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# HINDU POLITY

## A CONSTITUTIONAL HISTORY OF INDIA IN HINDU TIMES

[ TWO VOLUMES IN ONE ]

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अथ धर्मविधानाय राज्याय नमः ।

'And, firstly, To STATE, the source of life and spirit.'

—Nītirākyaṃpita

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*To the Memory of the Republican*

**VRISHNIS, KATHAS, VAIS'ALAS, AND S'ĀKYAS**

*who announced*

**PHILOSOPHIES OF FREEDOM**

*from*

**DEVAS, DEATH, CRUELTY, AND CASTE.**

मल्लित्वयो दण्डनीतो हरायां सर्वे धर्माः प्रचयेयुर्विद्वदाः ।  
 सर्वे धर्माचार्यमाणां हताः स्युः क्षात्रे त्यक्ते राजधर्मे पुराणे ॥  
 सर्वे त्यागा राजधर्मेषु दृष्टा सर्वाः दीक्षा राजधर्मेषु युक्ताः ।  
 सर्वा विद्या राजधर्मेषु चोक्ता सर्वे लोका राजधर्मे प्रविष्टाः ॥

म० भा० गा० ६३।२८।२९ ।

"When Politics becomes lifeless, the triple Veda sinks, all the  
*dharma*s [i.e., the bases of civilization] (howsoever) developed, completely  
 decay When traditional State-Ethics are departed from, all the  
 bases of the divisions of individual life are shattered

'In Politics are realised all the forms of renunciation, in  
 Politics are united all the sacraments, in Politics are combined  
 all knowledge in Politics are centred all the Worlds "

—*Mahā-Bhārata, Śānti*—63-28-29.



## P R E F A C E

'HINDU POLITY,' in two volumes (Parts)—the first on Vedic Assemblies and Republics, the second on Monarchy and Imperial Systems—is a sketch of the constitutional life of the Hindus. The Subject and difficulty subject is great but its treatment has to be modest. The works of *pūrva-sūris* had long been hidden; the path opened by them had long been lost. It had to be re-searched. In 1911-13 a probable line was laid to dig and discover the Ancients' highway in the field of Polity. In these pages that line has been deepened and widened. And the way of the Fathers is in sight.

The author made a special study to find out what constitutional progress, if any, Ancient Indians had achieved. In 1911 and 1912 some Pioneer Work results of the study were published in the legal journal the *Calcutta Weekly Notes* and the Calcutta monthly the *Modern Review*. A connected paper was read to the Hindi Literary Conference in 1912 and its translation published in the *Modern Review*, 1913, under the title '*An Introduction to Hindu Polity.*'

Before the publication of the *Introduction* there had been no work in any modern language on the subject. The *Introduction* fulfilled its purpose. To-day the subject finds place in University teaching. And the author has had the satisfaction of seeing his results quoted and reiterated, with or without acknowledgement, almost every year; the subject has become popular; the truth has been recognized, accepted and adopted: it has rightly ceased to be his.<sup>1</sup>

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<sup>1</sup> Mr. B. K. Sarkar, however, thinks otherwise—'But all the references in Jayaswal's studies, have been appropriated by subsequent writers' (*Political Institutions*, etc., Leipzig, 1922, p. XVI). Can they not retort, '*ayam nijak paro ceti ganand laghu chetana*'?

Vincent Smith suggested to the author to treat the subject of Hindu republics in detail, and several friends insisted on having the *Introduction* in book-form. About the same time, Sir Asutosh Mukherjee, President of the Council of Post Graduate-teaching, Calcutta University, asked him to prepare a curriculum of ancient Indian History. Need at that time was badly felt for a somewhat comprehensive book on ancient Hindu polity. The author towards the close of 1917, undertook to revise the *Introduction* with a view both to carry out the suggestion of Dr Smith and to supply the want. The present work was the outcome. In April, 1918, the revision was complete and the manuscript ready. The book was made over to Sir Asutosh Mukherjee who kindly took upon himself the publication of the work, placing it on the University syllabus.

When a few chapters had been in type the author was informed that scientific plagiarism was at work. Then, the manuscript was stolen from Sir Asutosh, no other belonging out of the group from which the box of manuscript was missing was touched by the critical though secret admirer. Sir Asutosh informed the police, with the result that a professor who claimed to have recovered the manuscript made it over to Sir Asutosh. After three days' confinement the book obtained liberation. Having no other copy of the book, the Calcutta University Press being too slow, and the desire to publish "original researches" in certain quarters in Calcutta being great, the author brought back the manuscript to Patna. Engagement was then concluded to print the book at Allahabad. In the meantime the book was cited by Sir Sankaran Nair from the manuscript in his Note to the Government of India's *First Despatch on Constitutional Reforms* (dated 5th, March, 1919), and chapters were printed in the *Modern Review* (Feb., 1920). When the

whole of Part I was in type the English section of the Press at Allahabad was sold away and the book once more came back home. Until this autumn, owing to the difficulties of getting a suitable press from a 'mofussil' town, and owing to professional duties, no fresh arrangement could be made for the publication of the work.

The lines laid down in the *Introduction* (1913) have been closely followed in the present work. Except the chapter on *Paurā Jānapada* there has been no addition to those broad lines. The whole work otherwise is only a commentary on the *Introduction*.

The book is presented in the form and substance just as it was completed in April, 1918, but for the amalgamation of the matter published by the author in the *Modern Review* in April, 1920, on *Paurā Jānapada*, and the addition of one passage § 27) on a datum from the *Abhidhāna-Rajendra* (1919), of the last line of the footnote at p 33, and of Appendices C and D. The date of the *Kautilya Artha Śāstra* (Artha Śāstra) has been retained as originally given, although Dr Jolly has recently revived the controversy through his edition of the *Artha Śāstra*. On account of the importance of the subject the present writer has re-considered it here.<sup>1</sup> He is unable to agree with Dr. Jolly's conclusions.

The author's thanks are due to his kind friends Dr A Banerji Sastri and Dr. Somnath Chatterji for reading the proofs and valuable suggestions, to Mr H Chakladar and Mr Bala K. Ghosh for verifying references, and Dr Kālidās Nāg and Prof Arun Son for doing the index. His friend the late Mr H. Panday had helped him in the preparation of the MS.

K. P. J.

Patna Novr., 1921.

<sup>1</sup> See Appendix C Additional Notes on Part I

# TABLE OF CONTENTS OF PART I

	PAGES
I. INTRODUCTORY ... ..	1—8

## CHAPTER I

Scope and Sources ... ..	3—8
§ 1. Scope of the book ... ..	3
§ 2. Sources . . . . .	3
Technical Literature ... ..	4
Its early date .. ...	4—5
§ 3 Terms for Technical Literature ..	5
The Book on Politics in the Mahā- Bhārata . 400 B.C.—500 A.C, ...	5—6
Works of the 4th and 5th Centuries A.C. ... ..	6
Compilations by Hindu Lawyers of 14th to 18th Centuries A.C. ...	6
Politics in the Purāṇas, 6th and 7th Centuries A.C ... ..	7
Politics in the books of Dharma (Law) 400 BC—500 A.C. ...	7
§ 4. Works of early Middle Ages .	7—8
§ 5. Politico-ethical and politico-religious books ... ..	8

II. VEDIC ASSEMBLIES ..	11—21
-------------------------	-------

## CHAPTER II

Samiti—The Sovereign Assembly of Vedic times ..	11—16
§ 6 Samiti represented the whole People ..	11
§ 7. Its functions ..	11—12
The King and Samiti . . . . .	12

	PAGES
§ 8. Deliberations ..	12—13
§ 9. Non-political business of the Samiti	13
§ 10. Samiti an institution of developed society ... ..	13—14
President of the Samiti .	14
Constitution of the Samiti ..	14—15
§ 11. Historical career of the Samiti ...	15—16

## CHAPTER III

The Sabhā ... ..	17—21
§ 12. Sabhā a distinguished popular body ... ..	17—18
Its resolutions ..	18
§ 13. Composition of the Sabhā ...	18
§ 14. Judicial Function of the Sabhā	18—19
§ 15. Sabhā a later R̥ig vedic Institution	19—20
§ 16. Vidatha and Senā	20
§ 17. Corporate tendency of Post-Vedic life ..	20—21

## III. HINDU REPUBLICS. (a) RISE AND PROSPERITY 25—138

## CHAPTER IV

Rise of Hindu Republics and Hindu Terms for Republics	25—32
§ 18. Republics generally post-Vedic institutions ..	25—26
§ 19. Ancient terms for Hindu republics	26
§ 20. Significance of 'gana'	26—27
§ 21. Samgha ... ..	27—28
§ 22. Controversy on Gana in England	29
§ 23. Pāṇini on Gana ...	29
§ 24. The Jātakas on Gana ..	29—30

	PAGES
§ 25. The Mahā Bhārata on G a ṇ a ...	30
Hindu Law and Amara kośa on G a ṇ a ...	30—31
§ 26. The Avadānaśataka on G a ṇ a ...	31
§ 27. Jaina definition ...	31—32
§ 28. Conclusion on G a ṇ a ...	32

## CHAPTER V

Republics in P ā ṇ i n i ...	33—44
§ 29. P ā ṇ i n i on S a ṃ g ṛ h a ...	33—34
§ 30. Castes in a S a ṃ g ṛ h a ...	34
§ 31. Kātyāyana on S a ṃ g ṛ h a ...	34—35
§ 32. Ayudhajīvin Saṃghas named in P ā ṇ i n i ...	35
Interpretation of 'Ayudhajīvin' ..	36—37
§ 33. Description of Greek Writers ...	37
§ 34. Identification of the V ā ṭ ṭ i k a land	38
§ 35. Other republics in P ā ṇ i n i ...	39
§ 36. The A n d h a k a - V ṛ i ṣ ṭ h ṇ i Saṃgha	39—40
§ 37. Constitutional Significance of 'R ā j a ṇ y a' ...	40—41
§§ 38—39 Federal Constitution of the A n d h a k a V ṛ i ṣ ṭ h ṇ i ...	41—42
§ 40. V ṛ i ṣ ṭ h ṇ i coin and R ā j a ṇ y a c o i n s	42
§ 41. S t a t e - a r m s of the republics ...	42—44
§ 42. Political N i k ṣ a ṇ a : A species of Saṃgha ...	44

## CHAPTER VI

Republican Origin of Buddhist Saṃgha and Republics in Buddhist Literature (500—400 B.C.) ...	45—55
---	-------

§§ 43-44. Buddhist Saṃgha borrowed from Political Saṃgha	...	45—48
§ 45. Recorded republics	...	48—49
§ 46. Their administration-procedure	...	49—51
§§ 47-48. Lichchhavi constitution	...	51—52
§§ 49-50. Lichchhavi safe-guards for liberty of the citizen	...	52—53
§ 51. Federal Council of the Lichchhavis and the Mallas	...	53—54
§ 52. Its Composition	...	54—55

## CHAPTER VII

Republics in the Artha-Śāstra (325-300 B.C.)	...	57—62
---	-----	-------

§ 53. 'King'-consul Republics	...	57
Changes from Monarchy to Republic	...	58—59
§ 54. Mallas, Kurus, Kukuras	...	59
§ 55. Nation-in-arms Republics	...	60
§ 56. Kshudrakas and Mālavas	...	60—61
§ 57. Surāshṭras	...	61
§§ 58-59. Kshatriyas and Śrenis	...	61—62

## CHAPTER VIII

Hindu Republics in Greek Writers (C. 325 B.C.)	...	63—79
---	-----	-------

§ 60. Megasthenes' Two Divisions of the Country—Monarchical and Republican	...	63
§ 61. Kathaians	...	64—65
§ 62. Un-named Republics	...	65
Adrestai	...	65
§ 63. Saubhūti (or Saubhūta)	...	65—66

	PAGES
§ 64. A great Republic on the Beas ...	66—68
§§ 65—66. Kshudrakas and Mālavas and Śibis...	68—70
§ 67. Āpīśali, Pāṇini and Patañjali on the above ...	70—72
§§ 68—69. Greek Writers on the above...	72—72
§§ 70—71. Agrasrenis ...	73—73
§§ 72—73. Ambashthas ...	73—74
§ 74. Kshatīyas ...	74
§ 75. Ossadioti ...	74—75
§ 76. Musicians ...	75—76
§ 76A. Biachmanoi .	76—77
§ 77. Patala ...	77—78
§§ 78—79. States ambiguously described	78—79

## CHAPTER IX

Constitutional Survey of the Hindu Republics in Greek Writers ...	81—88
§ 80—81. Democracy .	81
§ 82. Elected 'King' President	81—82
§ 83. Second Chamber	82—83
§ 84. Executive authority	83—84
§ 85. Aristocratic democracy	84—85
§ 86. Large Parliaments	85
§ 87. Hindu term for aristocratic constitu- tion .	85—86
§ 88. Culture in these republics	86—87
§ 89. Influence of Polity on Physique	87—88



## CHAPTER X

Technical Hindu Consti- tutions	...	...	89—101
§ 90. Technical Constitutions	...		89
§§ 91—92. Bhaujya Constitution	...		89—91
§ 93. Svārājya Constituion	...		91—92
§§ 94—95. Vairājya Constitution	...		92—94
§ 96. The Madras and their Capital			94—95
§§ 97—98. Rāshṭṛika Constitution	...		95
§ 99. Pettanika	...	...	95—96
§ 100. Dvairājya Constitution	...		96—97
*§ 101. The Non-ruler State	...		97—100
§ 102. Ugra and Rājanya forms of government	...	...	100
§ 103. Sacrament of rulership essential in every constitution		...	100—01

## CHAPTER XI

Procedure of Deliberation in Hindu Republics	...	...	103—117
§ 104. Buddhist Saṃgha based on poli- tical Saṃgha	...	...	103—04
§ 104 (a). Seats	...	...	104
§ 105. Motion. Resolution	...		104—06
§ 106. Quorum: Whip	...		107
§ 107. Consequence of disregarding procedure	...	...	107—8
§ 108. Votes: Votes of absentees	..		108—09
§ 109. Ballot-voting: procedure-of majority	...		109—10
§ 110 Pointless Speeches and Delegation Committee			110—12

# TABLE OF CONTENTS OF PART I

	PAGES
§ 111. Principle of representation ...	112
§ 112. <i>Res Judicata</i> ...	113
§ 113. Procedure of Censure: Act of Indemnity ...	113
§ 114. Clerks of the House ...	113—14
§ 115. Historical significance of the terms and procedure ...	114—15
§ 116. Jātakas and Referendum ...	115—17

## CHAPTER XII

Franchise and Citizenship ...	119—22
§ 117. Basis of Franchise. ...	119—20
§ 118. Outsiders eligible to Citizenship in republics ...	120—21
§ 119. <i>Bhakti</i> to Arjuna and Vāsudeva ...	121—22

## CHAPTER XIII

Judicial Administration and Laws of Republics ...	123—24
§ 120. Kulika Court ...	123—24
§ 121. <i>Samaya</i> , the laws of the Ganas	124

## CHAPTER XIV

Characteristics of Republics according to the Mahā-Bhārata	125—30
§§ 122—124. Characteristics of Ganas in the Mahā-Bhārata ...	125—30
Leagues: their dangers (p. 128)	

Good points, in	
Gaṇas	(p. 129)
Weak points in Gaṇas and	
how to avoid them.	
	(pp. 129—30)
Internal danger	(p. 130)
Equality in Gaṇas and its	
effect.	(p. 130)
Confederacy	
recommended	(p. 130)

## CHAPTER XV

## Formation of New Republics 131—35

§ 125. New Religious Gaṇas	...	131
§ 126. Historical instances of new		
republics	...	131—32
§ 126 (a) Artificial Stage	...	132—33
Republican—a post-tribal period		
in India	...	133
§ 127. Artificial political 'tribes', not		
ethnic tribes	...	133—34
§ 128. Distinction between tribal and		
artificial organisations	...	134—35

## CHAPTER XVI

A Retrospect of the Period of	
Rise	... 137—38
§ 128A. Aitareya Brāhmaṇa to Kauṭilya	137—38

	PAGES
HINDU REPUBLICS: (b) Decline and Disappearance ...	... 141—48

## CHAPTER XVII

## REPUBLICS UNDER THE MAURYS

§ 129. Policy of Maurya Imperialism towards Republics ...	... 141—42
§ 130. Republics under Aśoka ...	142—43
§ 131. Meaning of 'aparānta' ...	143—44
§§ 132—33. 'Rājaviśhayas' ...	144
§ 134. Constitution of the Nābhapaṅktis ...	145
§ 135. Nābhaka ...	145
§ 135 (a) Pulindas ...	146
§ 136. Andhras ...	146—47
§ 137. Yavanas of Aśoka ...	148
§ 138. Kabul Yavanas ...	148
§ 139. Akoubhi ...	148
§ 140. Yavanas, Kambojas, Andhras and Pulindas in Manu and Mahā- Bhārata ...	148

## CHAPTER XVIII

Republics in Śunga Times and later ...	... 149—61
§ 141. Migration of the stronger republics to Rajputana ...	149
§ 142. Yaudheyas ...	149—50

§ 143. Yaudheyas and Śālaṅ-	
kāyanas ... ..	150
§ 144. Yaudheya constitution	
from Monumental Records ...	151
§ 145. Their end ... ..	151
§ 146. Madras ... ..	151—52
§ 147. Mālavas and Kshudrakas	152
§§ 148—49. Mālavas (contd.) ...	152—3
§ 150. Śibis ... ..	153—54
§ 151. Arjunāyanas ... ..	154
§ 152. The meaning of republican	
migration ... ..	154—55
§§ 153—55. Rajputana repub-	
lics in the Mahā-	
Bhārata ... ..	154—57
§ 156. Kukuras .. ..	157
§ 57. Vṛishnis ... ..	157
§ 158. Foreign barbarians of the first	
century B C. ... ..	158
§ 159. Decay of the older Punjab	
republics ... ..	158
§ 160. Rājanyas ... ..	158—59
§ 161. Mahārāja-Janapada ...	159
§ 162—63. Vāmarathas and	
Śālaṅkāyanas ...	159—60
§ 164. Audumbaras ... ..	160—61

## CHAPTER XIX

Disappearance of the republics...	163—65
§ 165. Guptas and republics ...	163
§ 166. Pushyamitras ...	163—65
§ 167. Exit ... ..	165

	PAGES
III-HINDU REPUBLICS: (c) Their System and Ethnology ...	...169—189

## CHAPTER XX

<i>Criticism on Hindu republican systems</i> ...	... 169—77
§ 168. Moral assets	... 169—70
§ 169. Principle of equality. Successful administration ...	... 170
§ 170. Military System ...	... 170
§ 171. Industrial system ...	... 170—71
§ 172. The type of citizen ...	171
§ 173. Separation of powers ...	171
§ 174. Philosophical basis ..	... 171—72
§ 175. Republican theories ...	172
§ 176. Individualism ...	173—74
Social Contract ..	... 173—74
§ 177. Longevity ...	174
§ 178. Weak points in Hindu Republics	175
§ 179—80 Mahā Bhārata on A r ā j a k a states (p. 175) Personal rivalry and greed of power in republics (p 176)	175—77
§ 181. Discussion leading to the breaking- up of Ganas ...	177

## CHAPTER XXI

Ethnology of the Republics ...	179—89
§ 182 Question raised by Mr. Smith ..	179
§ 183. Instance of Chumbi Government	179—80

	PAGES
§ 184. Criticism ...	180—81
§ 185. <i>Bharhut and Sāñchi Sculptures:</i> Mr. Smith's error ...	181—82
§ 186. Alleged Mongolian basis of Indian population in early centuries A.C. ...	182—83
§ 187. Nationality of Lich- chhavis ...	183—84
§ 188. Mr. Smith's vision of—'close' resemblance between Lichchhavi and Tibetan Criminal Procedures ...	184—85
Lichchhavi Criminal Procedure ...	186
§ 189. Derivation of Lichchhavi from Lichchhu ...	186—87
§ 190. Mallas ...	187
§ 191. Nationality of Śākyaś ...	187
§ 192. Obsolete custom of sister-marriage amongst Śākyaś ...	187—88
193. Evidence of the Greeks ...	188
§ 194—196. Evidence of names and orthodox literature ...	188—89

## Appendix A

The Mahā-Bhārata on the Andhakā- Vṛishṇi-Saṃgha ...	191—97
§ 197. Text and Translation of Śānti- Parvan, Ch. 81, (pp. 192—197) The importance of the discussion (p. 191).	

## Appendix B

List of Indian Republics discussed in Part I ...	...199—201
---	------------

## Appendix C

Additional Notes on Part I (1924) ... ..	203
Arthaśāstra (Kauṭiliya) —Its authorship and date ...	203
(i) Authorship : Jolly's arguments ...	203—05
(ii) Date : Arguments for the third century A.C. Date ... ..	206
Works of the 4th-5th cen. A. C. and the date of the Kāmandakīya ...	215
Pushkara ... ..	216
14th—18th. Cen. Digests ... ..	216
Works in Vernaculars .. ..	216
Village fined ... ..	216
<i>Nirṇay Saṅgraha</i> ... ..	216
Gaṇa ... ..	216
State-arms of the republics ... ..	216
Decisions on rolls ( <i>Book of Precedents</i> ) ...	216
Aśṭa-kulaka ... ..	216
Lechebhai ... ..	217
<i>Śarati</i> ... ..	217
Jauhar ... ..	217
'Everyman in the Community had franchise': Citizens vs. non-citizens ... ..	217



	PAGES
<i>Kauninda and Kanet</i> ... ..	
Vāhikan physique , .	217
Nadra country ... ..	218
Śalākā ... ..	218
Yaudheya Coin-legends ... ..	211
Mālava Coins ... ..	218—19
Freedom in preference to home ..	219
Sṛnakāṇikas ... ..	212
Ethnology of the republicans ...	219

# TABLE OF CONTENTS OF PART II

	PAGES
IV HINDU MONARCHY .	3—190

## CHAPTER XXII

Antiquity and Theory of Origin	3—6
§ 197 Rājan or king	3
§ 198 Antiquity of Hindu Monarchy	3—4
§ 199 <i>Hindu Theories on the Origin of King</i> ship . . . . .	4
§ 200 Vedic theory origin in war	4—5
§ 201 Scientists' Theory of Contract Theory of elective kingship	4—5 6

## CHAPTER XXIII

Vedic King and his Election	7—13
§ 202 King's election and his position	7—9
§ 203 Sole taker of taxes	9
§ 204 'King makers' election for life time	9—10 10—11
§ 205 Deposition and re election	11
§ 206 His duty	12—13
§ 207 Germs of later political philosophy	13

## CHAPTER XXIV

Coronation Ceremony of Brāhmaṇa Period and Its Constitutional Significance	14—26
§ 208 Fixed formulæ	14
§ 209 Rājasaūya, Vājapeya and Sarvamedha	14—15

	PAGES
§ 210 'he' the king elect	15
§ 211 The Ratna-Havis	16—20
§ 212 The Ratnins	21—21
§ 213 Origin of Hindu Ministers	21—22
§ 214 Approval of the Land	22
§ 215 The idea underlying	22—23
§ 216 Abhishechanīyam or anointing ceremonies	23
§ 217 King as Protector of Law	23
§ 218 19 Collection of waters	24—25
§ 220 Abhishechana or anointing	25
§ 221 Investiture and Announce- ment	26

## CHAPTER XXV

Coronation Ceremony of Brāhmana Period  
andIts constitutional Significance (*contd*) 27—41

§ 222 Coronation oath	27—28
§ 223 Ascent to the throne	28
§ 224 People as King's Protector	29
§ 225 Besprinkling by the Priest	29—30
§ 226 Brahman and Taxation	30—33
§§ 227 28 Vesting of Sovereignty	33—35
§ 229 Post Abhisheka Ceremonies Symbolism denoting Supremacy of Law	35
§§ 230 31 The Homage	36—37
§ 232 The symbolic Game of Govern- ment	37—38
§ 233 Summary	38—39
§ 234 Hereditary succession not yet established	39—40

	PAGES
§ 235. Ceremony for deposed king ....	40—41

### CHAPTER XXVI

Coronation in Later Times ....	42—5
§ 236. Leading Principle remains Vedic ....	42—44
§ 237. Coronation Oath ....	44—45
§ 238. Discussion on Rājān and 'history' of Coronation Oath in the Mahā- Bhārata ....	46—48
§ 239. Analysis of the Oath ....	48—49
§ 240. Effect of Coronation Oath in actual life ....	49—50
§ 241. Coronation Oath in Middle ages and later ....	51

### CHAPTER XXVI (A)

Sacrament of Coronation and	
Theory of Divine Origin of King...	54—59
§§ 244-245 Sacrament of Coronation Oath :....	54
Manu's theory of Divine Origin of King ..	54—58
§ 246. Theory of king's divine origin displaced .	58—59

### CHAPTER XXVII

The Jānapada or the Realm Assembly and	
The Paura or the Assembly of the Capital City: (600 B.C. to 600 A.C.)	60—78
§§ 247-48. The Samiti and Territorial Monarchies ....	60—61

	PAGES
§§ 249-51. Rise of the Jānapada Assembly	62—68
§ 252 The Paura	68—70
§§ 253 55 Municipal administration of the Paura	70—73
§ 256 The Paura administration of Pāṭali-putra	74
§ 257. The 'City-magistrates' of Strabo	75
§ 258 'Varga' and its meaning	75—76
§ 259 Naigama or the City Guild and its connexion with Paura	76—78
§ 260 'Negama coins'	78
§ 261. Significance of Naigama	78

## CHAPTER XXVIII

Political Functions of the Jānapada and the Paura	79—108
§ 262 'Coinage and Jānapada	79
§§ 263 Constitutional business which the Paura Jānapada were supposed to do	79
§ 264 Resolve on nomination of the Crown Prince	80—82
§ 265 Paura Jānapada took part in Abhisheka as People's Representatives They could prevent succession	82
§ 266 Paura-Jānapada and Depositions	82
267 Political Discussion in Paura Jānapada	84—85
§ 268 Appointment of Chief Mantrin and Paura-Jānapada	8
§ 269 Resolution on State Policy	85—86
§ 270A Paura and Provincial Government	86—87
§ 270B Paura-Jānapada and Taxation	88—89

# TABLE OF CONTENTS OF PART II

	PAGES
§ 271. Royal Speech to Paura-Jānapada	89—92
§§ 272-3. Paura-Jānapada and Anugrahas or Privileges	93—94
§§ 274-75. King asks permission of the Naigama-Jānapada to undertake long sacrifice	94—95
§ 276. Daily business of Paura- Jānapada with the King	95
§ 277. Aśoka's new Dharma and the Jāna- pada	96
§ 278. Importance of Paura : Paura and executive work	96—97
§ 279. King and Governor attend Paura- Jānapada	97
§ 280. Paura-Jānapada could make or mar government	97—98
§ 281. Compensation bills of Jānapada to the Crown	98—99
§ 282 Constituency of Jānapada	99—101
283 Composition of Paura	102—03
§ 283 Separate bodies making up Naigama	104—05
§ 284. Baśārḥ Seals and Naigama Officers	105—06
§ 285 The 'laws' of Jānapada and Paura	160—07
§ 286 The Samvid enactments of Jānapada	107—08
§ 287. Paura Jānapada as Hindu Diet	108

## CHAPTER XXIX

Opinion of Thinkers and General Public Opinion	109—14
§ 288 Opinion of Hermits and Recluses	109—111
§ 289-90. Opinion of the learned Brahmin	111—112
§ 291-92. Public Opinion in general	113—14

## CHAPTER XXX

	PAGES
Council of Ministers	115—136
§§ 292 93 Origin	115—16
§ 294 Continuation of Vedic terms	116
§ 295 Council and King	117—119
§§ 295 97 Gifts by King to be rectified or rejected by Ministry	119—21
§§ 298 99 Number of the members of the Council	122—24
§ 300 Yuvrāja and Princes as Ministers	124—25
§ 302 Designation of Ministers	126—28
§ 302 Cabinet	128
§§ 303 5 An Inner Cabinet	128—30
§ 306 The 'Mantri-parishat' or Council of State and its Composition	130
§§ 307 08 Paura Jānapada and 'Mantri-Parishad'	131—33
§ 309 'Tirthas'	133—135
§ 310 Three classes of Ministers	136
§ 311 Civil List and King's salary	135—36

## CHAPTER XXXI

Council of Ministers ( <i>Contd.</i> )	137—151
§ 311A Duty of Ministers	137—38
§ 312 Procedure of Business in the Ministry	138—39
§ 313 King's 'incapacity' to criticize resolution of the Cabinet	139
§§ 314 15 Resolution with king's fiat was the 'real king'	140—41
§ 316 Megasthenes on Ministry's jurisdiction	142—42
§ 317 Agreement between Bhāradvāja and Megasthenes on Ministry's jurisdiction	142—43

	PAGES
§ 318. Working of the constitution in Aśoka's reign ....	143—47
§ 319. Junior ministers or under-secretaries	147
§ 320. Transfers ....	147—48
§ 321. Caste representation in Ministry ....	148—49
§ 322. Official designations in Gupta times....	149—50
§ 323. Charters countersigned by Ministers	150—51
§ 324. Illustrations of the practice from Ceylon ....	....

## CHAPTER XXXII

## Law and Administration of Justice\* .... 152—160

§ 325. King under the Law ...	152
§ 326. Judiciary and Executive separate ....	152—53
§ 327. Sabhā or composition of the jury ....	154—55
§ 328. King-in-Council as Judge ....	155
§ 329. Justice administered in King's name....	155—56
§ 330. Records kept ....	156
§ 331. Proper Justice and fall in litigation ....	156
§ 332. Sudatta vs. Prince Jeta ....	156—57
§ 332A. Ministers of Law and Justice ....	158—59
§ 333. Sabhā (Law Court) and its Position	160

## CHAPTER XXXIII

## Taxation .... 161—169

§§ 334-35 Fixed Taxes :	161
Legal effect	161—62
§ 336. Taxes as King's wages ....	162—63
§ 337. Divine theory of Taxation ....	163
§ 338. Protection and Allegiance ....	165—64
§ 339. Canons of Taxation ....	165—69



## CHAPTER XXXIV

	PAGES
Economics in Government and theory of Ownership in Land	170—186
§ 340 Economic enemies	170
§ 341 Economics in government	171
342 Policy towards the mercantile element of population	171—72
§ 343 State Industries	173
§ 344 Indirect taxation the key note of the policy	173
Mines	173—74
§ 345 Hindu theory on proprietorship in land	174
Colebrooke's discussion of <i>Mīmāṃsā</i>	174—5
§ 346 Conquest and land	176—77
§ 347 Discussion by Prime Minister Mādhava	177—78
§ 348 The <i>Bhattadīpikā</i> on the Subject	178—9
§ 349 The view of Law and <i>Mīmāṃsā</i> in agreement with constitutional theory	180
Jātaka on kingship	180
Coronation rites and King's position	180
§ 350 Indianists' presentation of the 'Native Law' on the subject	180—82
Inscriptions and land ownership	180—81
§ 351 <i>Artha Śāstra</i> Commentary's <i>Śloka</i>	182—83

## CHAPTER XXXV

## Position of the Hindu King

§ 352 Civil List	184
§ 353 King master of no subject	184

# TABLE OF CONTENTS OF PART II

	PAGES
§ 354 King constitutionally a servant	185
—morally master	185
§ 355 His utility	186—87

## CHAPTER XXXVI

Character of Hindu Monarchy	188—91
§ 356 State a trust	188—189
§ 357 A Civil state	189—90
§ 358 Paramount position of Law	190
§ 359 Conquest and sense of Justice	190—91
§ 360 Why no inclination for foreign conquest	191
§ 361 Longevity a result of Civil Polity	191

## CHAPTER XXXVII

Hindu Imperial Systems	195—201
§ 362 Ādhipatyā and Sārvabhauma	195—96
§ 363 Sāmṛījya System	197—98
§ 364 Later history of Monarchical Imperialism	198—99
§ 365 Chakravartin	199—200
Chakravartin System vs Federal System and Ādhipatyā	200—01
§ 366 Centralization	200—01
§ 367 An Imperial (Gupta) System of Compromise	200
§ 368 Constitution under the Second and Third Empires	200—01

## CHAPTER XXXVIII

Revival of Hindu Polity	205—06
§ 369 Period of darkness and disruption	205—06

§ 370. Hindu revival under Śivāji and the Sikhs	....	205
Causes of failure	....	205—06

## CHAPTER XXXIX

Conclusion	....	209—10
§ 371. Longevity of Civil Polity—in India, Babylon, and China	....	209
§ 372. Test of a Polity	....	209
§ 373. Golden Age of Hindu Polity—in the Future	....	209—10
§ 374. Reformation of the Hindu	....	210
§ 375. Hindu's Past History and—his Future	....	210

## APPENDIX D

Additional Notes on Part II (1924)	211—12
<i>Sresthin</i> or President of the Town	211
<i>Pratinidhi</i>	211
Council of State, Representative of the People,	211—12
<i>Mahattarāh</i> and Gupta Government	212

## INDEX

## ABBREVIATIONS

*Errata*

# HINDU POLITY

## Part I

VEDIC ASSEMBLIES

AND

HINDU REPUBLICS

I

INTRODUCTORY

## CHAPTER I

### Scope and Sources

§ 1. It is proposed to outline here certain chief features of Hindu Polity. The Hindu race has experimented in great and various systems of state and political machinery. We are not yet in a position to reconstruct a complete history of the constitutional development of the race. Nevertheless some outstanding facts and the principles underlying them may be noticed with profit.

The topics to be discussed here<sup>1</sup> are :

- (1) the Sovereign Assembly of the Vedic times,
- (2) the Judicial Assembly of the Vedic times,
- (3) Hindu Republics (1000 B. C. to 600 A.C.),
- (4) Hindu Kingship (from the Vedic times to 600 A.C.),
- (5) the Jānapada or Realm Diet, and the Paura Assembly of the Capital (600 B. C.—600 A. C ),
- (6) the Council of Ministers under Hindu Monarchy (1000 B. C.—600 A. C.),
- (7) Judiciary under Hindu Monarchy (700 B.C.—600 A.C.),
- (8) Taxation (1000 B. C.—600 A.C ),
- (9) The Hindu Imperial Systems (1000 B.C.—600 A.C.), and
- (10) Decay and Revival of Hindu constitutional traditions ( 650 A. C.—1650 A C )

§ 2. The sources of our information extend over the vast field of Hindu literature—Vedic, Classical and Prākṛita, and also the inscriptional and numismatic records of the country. We are fortunate in having

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<sup>1</sup> In some cases, very briefly.

also a few technical treatises on Hindu Politics left to us in the original. They are, however, mere remains of a considerable library, contributed to by a long series of political thinkers and statesmen of Hindu India. The *Artha-Sāstra* of Kauṭilya<sup>1</sup> (300 B C), which may be called the Imperial Code of Governance of the Early Mauryas, is such a remnant. It is avowedly based on previous authorities. Such authorities, cited by name in Kauṭilya's Code, number eighteen or nineteen. There are some others mentioned elsewhere. For instance, the *Mahā-Bhārata*, which gives a brief history of Hindu Political Science,<sup>2</sup> mentions, in addition, *Gaura-Śiras*. The *Āśvalāyana Grihya-Sūtra* mentions one more, *Aditya*.<sup>3</sup> The catalogue of this large number of writers shows that politics had been studied for centuries before Kauṭilya's time, and had become a recognised subject when the *Kalpa Sūtras* were still being completed.<sup>4</sup>

Technical literature

Its early date If we allow an interval of even twenty years for each of these known authorities, we shall have to date the literature of Hindu Politics as far back as circa 650 B C. This date is corroborated by the

<sup>1</sup> Mysore State's Bibliotheca Sanskrita No. 47, edited by Mr. Shama Sastry, 1909. Translation by Mr. Shama Sastry, 1915, Mysore, is not quite satisfactory. The text in places is not beyond doubt—compare the quotations in the commentary on the *Kāmandakya Niti-Sāra* published by the Travancore Government which at times differ greatly from the published text. See also Dr. Sorabji Tarapurwala's *Notes on the Adhyakṣapanchāra* (1914).

The name of the author should be 'the Kauṭilya,' it being his *gotra* name (J. B. O. R. S. II 80, also Śaṅkarārya on *Kāmandaka*, 1. 6), but to avoid heaviness, the has been omitted here throughout.

<sup>2</sup> Śānti Parvan, LVIII LIX. It is possible that *Gaura Śiras* is later than Kauṭilya. The point in favour of the antiquity of *Gaura Śiras* is that he is placed in a group of ancient writers. The Śānti Parvan in its present shape, is later than the *Kāmandakya* whose author it seems to know. See Ch. cxviii. See also § 3 below, p. 5, n. 6.

<sup>3</sup> *Āśvalāyana Grihya Sūtra*, III 12 16.

<sup>4</sup> The *Artha Sāstra* literature had existed before the earliest *Dharma Sūtras* were compiled. See *Āpastamba Dh. S.*, II 5. 10. 14. 'एवमपि पुरीहितं धर्मसूत्राणां' Hata-latta 'धर्मसूत्राणां पुरीहितं च धर्मसूत्रं पुरीहितं'.

*Jātakaś*, which are regarded as pre-Buddhan (i.e., anterior to 600 B. C.): they recognise *Artha*, that is, *Artha-Śāstra*, as a chief science for the guidance of successful ministers.<sup>1</sup>

§ 3 The treatises on political theories and practical governance were originally called *Daṇḍa-Nīti* or the 'Principles of Government' and *Artha-Śāstra* or the 'Code of Common-wealth. Kauṭilya defines the latter "Artha is human population, that is to say, territory with human population. The Code of Artha (Common-wealth) is a code dealing with the means (art, *upāya*) of acquisition and growth of that territory."<sup>2</sup> *Daṇḍa-Nīti* was the title adopted by Uśānas,<sup>3</sup> and *Artha-Śāstra*, by Bṛhaspati,<sup>4</sup> for their respective works which were very famous in Hindu Classical times. A book, rather an encyclopædia, under the title *Daṇḍa-Nīti*, ascribed to Prajāpati, is mentioned in the *Mahā-Bhārata*.<sup>5</sup> The subject is also called *Rāja Śāstra* or the 'Code for the Rulers,' and *Rāja-Dharma* or the 'Law for the Rulers.' Under the latter term, it has been treated in the *Śānti-Parvan* of the *Mahā-Bhārata*. The *Mahā-Bhārata* draws on materials generally old, but

The Book on Politics in the Mahā-Bhārata 400 B.C. 500 A.C.

<sup>1</sup> Cf. Fasabōll, I II 30, 74.

<sup>2</sup> Śānti Parvan I viii, 77-78 (Kumbakonam (80-81)

<sup>3</sup> मनुदायी इतिरयं. मनुदयती भूमिस्थित्यं, तस्या इति आ लाभपालनोपाय. शास्त्रमयं शास्त्रमिति । Bk. xv, p 424 इति. here is explained by the following मनुदयती. It has therefore to be taken as इतिरयं नम (भावे किम्). *Pālana* has the sense of growth not mere maintenance. This is borne out by the description of *Daṇḍa-nīti* given by Kauṭilya (1 4, p. 9) - दण्डनीतिं जनसंख्यायां, लब्धपरिचर्या, रक्षितविवर्धनी, etc., and also by "जनसंख्यां लब्धपरिचर्या रक्षितविवर्धनं चेत्यर्थादुच्यते ।" *Nīvakyaśmṛiti*, II.

<sup>4</sup> *Mudrā Rākṣhaṇa*, I.

<sup>5</sup> *Vātsyāyana, Kāma-Sūtra*, I

<sup>6</sup> Śānti P., C 59 (Bengal) (58, Kumbh) Cf. Kāma S. I.

<sup>7</sup> Śānti P., C. 58 (Bengal) (57, Kumbh)



based generally on old authorities.<sup>1</sup> The *sūtras* are generally quotations which the Jaina author calls, not altogether without justification, 'immortal essence' (*amṛita*) of 'political maxims.'

§ 5. Ethico-political writings are kept out of our scope. Political ethical and politico-religious books Opinion, for instance, would be divided as to the true character of certain works in our vernaculars, like the *Dāsa-Bodha* ('Address to the Enslaved') by the Teacher Rāma-Dāsa, the great text-book of the time of Śivajī Chhatrapati, and the Hindi books of Guru Govinda-Siṃha. Mystic and non-political interpretations would be given by religious enthusiasts to many views apparently political. It is therefore better to leave them out in our present studies.

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<sup>1</sup> Somadeva quotes a Sūtra from Manu, indicating that his was not the Svāyambhūva M., i.e., the author of the Dharma Ś. In other words, he quotes from the Mānava Artha-Śāstra —

यदाह वैवस्वती मनु । चन्द्रधर्माग्रपदानेन वनस्था अपि तपस्विनी राजानं सम्भाषयति । तस्यैव तद्व्याप्तं यज्ञान् गोपायति । इति । N V 6

## II

### VEDIC ASSEMBLIES

handled as late as the fifth century after Christ, with an earlier systematization, cir. 150 B.C.<sup>1</sup>

Later, the terms *Niti* ('Policy' or 'Principles') and *Naya* ('Leading,' 'Principles') seem to have superseded the old words *Artha* and *Danḍa*. Kāmandaka calls his metrical treatise a *Nītisāra*. The book ascribed to Śukra, which, in its present shape is a revised edition of an earlier well-known work, probably based on the ancient *Uśanas'* *Danda-Nīti*, is also called a *Nīti-sāra* (*Śukra Nīti-sāra*).<sup>2</sup> The *Pañcha Tantra*, which is a book on politics put into fables for the early education of princes and would-be statesmen, adopts the term *Naya-Śāstra* to denote the literature.<sup>3</sup>

It is interesting to note that the study of Hindu Politics was continued, like the study of Hindu Law, during Muhammadan times. I was agreeably surprised to find that the famous lawyers, the Nibandhakāras Chāndesvara, Mitra-Misra and Nilakantha, have compiled works on Hindu Politics. There is a *Rāja-nīti Ratanākara*, and there is a *Vīra Mitrodaya Rāja-Nīti*, similarly, there is also a *Mayūkhya*, called *Rāja-Nīti-Mayūkhya*.<sup>4</sup> As to the value of

<sup>1</sup> For the date of the *Sānti Parvan* see my *Tagore Lectures*, I. The authors who are treated as historical persons in Kaṇva's *Artha Śāstra* have been taken to be divine and mythological in the *Sānti P*. The Sakas and the Tukharis are mentioned as having come under Hindu kings (Ch. lxv)—a fact of the early fifth century A.C. It should be also noted that the political science book of the 'Great Rishis' which had been current in the time of Kāmandaka (viii. 23) disappeared when the *Sānti Parvan* was completed (c. 317, 32, Kaṇva).

<sup>2</sup> This work is quoted by law commentators of the Middle Ages and later. I could not find the quotations in the text of the current *SN*. It must have been, therefore, revised about the 17th century. It, however, embodies mostly ancient doctrines.

<sup>3</sup> 'नयन नयन' : *Pañcha Tantra*, Ch. 1.

<sup>4</sup> An old copy of this is in the library of the well known Sanskritist, Mr. Govinda Das of Benares. The *Vīramitrodaya Rājap* has been published in the Chitkhamba

these latter-day works, they, of course, are products of the decadent period. They may be classed together with the political science portions of the Purāṇas. The Nibandhakāṇas and the Purāṇas have no originality. The Purāṇas merely copy some chapters from some well known authors, e.g., the *Agni-Purāṇa* borrows from an author called Pushkara<sup>1</sup>. The Hindu jurists of Muhammadan times, however, evince a strong desire for collecting materials, and the great value of their work consists in the extracts from authorities which are otherwise unknown. They are, moreover, witnesses to living traditions in ceremonial matters. Better materials, next in value only to regular treatises, are to be found in the Aphorisms and Codes of Dharma, under the chapter styled the 'Laws for the King,' which represent the constitutional laws as defined by Dharma writers.

§ 1. We must not lose sight of another class of mediæval productions. The little book *Bṛihaspati Sūtra*, recently edited by Dr F W Thomas (*Le Muséon*) is one of them. It is a piece of Artha Śāstra literature in *Sūtras*. But in its present shape, it is a product of the Middle Ages, though portions therein are undoubtedly based on ancient materials. It gives, as we shall see, some very valuable information. Similarly, the *Nīti-Vākya-mṛita* by Somadeva who flourished in the tenth century A C, is in *Sūtras*. It is an eclectic work

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Sanskrit Series. Chāpdesvara's 15 Polādakara. 1st edition, for the Bihar and Orissa Research Society.

Before Chāpdesvara two other digest writers had composed Digests of Hindu Politics: one was Lakṣmīdhara the well known author of the law digest *Kalpataru* and the other was the author of the *Kāśīkhāṇḍa*. These scholars compiled *Pāṇḍitī Kalpataru* and *Pāṇḍitī Khandaṇa* respectively. They have been quoted by Chāpdesvara.

<sup>1</sup> Cf. also Matsya, Ch. ccxv xxvii.

## CHAPTER II

### Samiti

#### *The Sovereign Assembly of Vedic Times*

§ 6. Going back to the oldest literature of the race, we find from the Vedas that national life and activities in the earliest times on record were expressed through popular assemblies and institutions. The greatest institution of this nature was the Samiti of our Vedic fore-fathers / The word *samiti* (*sam + iti*) means 'meeting together,' i.e., an assembly. The Samiti was the national assembly of the whole people or *Viśaḥ* (विशः);<sup>1</sup> for we find 'the whole people' or Samiti, in the alternative, electing and re-electing the *Rājan* (राजा) or 'King.'<sup>2</sup> The whole people were supposed to be present in the Assembly.

§ 7. The functions of the Samiti may be gathered from different references. We have already noticed its functions the most important business of the Samiti, to wit, electing the *Rājan*<sup>3</sup> It could also re-elect a king who had been banished<sup>4</sup> They were thus a sovereign

<sup>1</sup> In Vedic times, Hindu Society was divided into *Janas*, tribes or nations e.g., Anus, Yadus, Kuru. But, at the same time, they were conscious of the fact that they all belonged to one common race for all of them called themselves "*āryas*" आर्याः. The people or the tribe were called *Viśaḥ* (विशः) from which the word *Vaiśya* ('one of the people' — 'the commoner') is derived. On Vedic Society, consult Zimmer, *Alt-indisches Leben*. See also Macdonell and Keith, *Vedic Index* sub *Ārya, Janu*, etc.

<sup>2</sup> विशः सर्वा वाञ्छन्तु, Rig Veda x 173.1 Atharva Veda, vi 87.1

धुवाय ते समिति कल्पतामिह, AV, vi 88.3

त्वा विशो ह्यस्ता राज्ञाय AV, iii 42

Also AV, iii 345 See *infra* § 204

<sup>3</sup> Cf. जाको समिति कल्पते, AV., v. 19.15

<sup>4</sup> See *infra*, Chapter XXIII on Vedic Kingship

body from the constitutional point of view. In the Atharva-Veda, VI 61, which is a prayer-hymn for union and concord, and also in the Rig Veda, (X 191 3), we have a prayer for a 'common Samiti' and 'common policy of State' (समानो मन्त्रः समितिः समानी), a 'common aim and a common mind' (समानं व्रतं सह चित्तमेयाम्).<sup>1</sup> This indicates that matters of state ('mantra') were discussed in the Samiti.

The king attended the Samiti, and it was thought necessary that he should do so. The Rig-Veda has 'The King and Samiti' 'like a true king going to the Samiti' (राजा न सत्यः समितोरियानः).<sup>2</sup> The inference is that it was the king's duty to attend the Samiti, and that if he did not attend it, he would be considered 'untrue,' the significance of which we shall see when we come to the ceremony of Vedic Coronation. The practice of the king presenting himself before the Samiti continued probably as long as the Samiti existed. The Chhândogya Upanishad, one of the youngest Vedic works, relating the visit of Śvetaketu Āruneya Gautama to the Samiti of the Pañchāślas, mentions the King (Pravāhana Jaivala) as present in the Samiti.<sup>3</sup>

§ 8 In deliberations, speakers were anxious to make speeches agreeable to the assembled Samiti. (ये मयाग्राः समित्यस्तीह चारु वदन्ते).<sup>4</sup> The speaker wanted to prove himself 'brilliant, not to be contradicted,' in the Samiti.<sup>5</sup> To these deliberations would also refer the prayer in the Atharva-Veda, II, 27 :

<sup>1</sup> 'Same be their counsel, same their assembly, same their aim, in common their thought' Bloomfield, S B E xli 136

<sup>2</sup> RV, ix 92 6, Cf यवीदधो समकत राजानं समिताविव, RV. x 97. 6.

<sup>3</sup> Chh Up, V 3 Cf Br Ar Up vi 2 See § 9 below

<sup>4</sup> AV, vii 32 1, xv 1 56

<sup>5</sup> "When he has arrived at the Samiti, he should murmur 'Superior (to my adversaries) I have come hither, brilliant, not to be contradicted' अभिमानमज्ञानम् विराज्य-निवसत — a Vedic text quoted in Paraskara-Grhya Sūtra, III-13 4. See SBE, xxix, p. 363

"May the enemy not win the debate . . . Overcome the debate of those that debate against us, render them devoid of force"

"Overcome thou the debate of him that is hostile to us O Indra" Encourage us with thy might" Render me superior in debate"

§ 9. That questions other than political were also occasionally discussed in the Samiti, is borne out by the above-mentioned record about Śvetaketu Śvetaketu was a young man of great learning who, as the Chhāndogya says,<sup>2</sup> claimed complete knowledge of the sacred and philosophic literature at the age of twenty-four. In the Chhāndogya and Brihadāranyaka Upanishads, we see the young man who had just completed his education, presenting himself before the Samiti, also called the Parishad of the Pañchālas (पञ्चालानां समितिमेयाय, पञ्चालानां परिषदमाजगाम) The Kshatriya (Rājanya) king in the Assembly of the Pañchāla nation, Pravāhana Jaivali (or Jaivala), put to him five philosophic questions, none of which the bumptious young man (Kumāra) could answer, and "he had to go away with the remark of Jaivali "How could "anybody who did not know these things say that he had been "educated?" Here we find the Samiti acting as a sort of national academy

§ 10. It is noticeable that references to the Samiti in the Rīg Veda are to be found only in portions which are considered to be the latest. We may, therefore, conclude that the Samiti was a product of the developed, not early, Vedic age. The developed stage of debate, evidently a free right of discussion, the anxiety of the debater to win over the opinion of others, all point to a culture of considerable degree. In the Germanic folk-assembly, we have some nobleman speaking and the ordinary people present merely expressing

<sup>1</sup> S.B.E. XLII 137 &

<sup>2</sup> Chhāndogya Up., VI (Prapāthaka), 1 Cf. Apastamba Dharma Sūtra I 2, 5, 6

<sup>3</sup> Chh. Up., v 3, Bṛ. Ar. Up. vi 2

inarticulate approval, conveyed by noise of arms': the stage of debate is not yet known to them. It is therefore not accurate to compare the Samiti (as some European scholars have done) with the early folk-assemblies of Western Europe.

Another index of the developed stage of the Samiti is that the Samiti, like the *Sabbā* (which we shall presently discuss) had its *Patī* or *Īśāna*, President. For instance, see the *mantra* cited in *Pāraskara-Gṛhya-Sūtra*, III 13.4: 'the lord (*Īśāna*) of this assembly is a man insuperable in his power.'

It is clear, as observed above, that the whole people were considered to be present in the Samiti. But when, for instance, *Śvetaketu* goes to the Samiti of the *Pañchālas* where philosophers and statesmen were sitting, it would be hardly probable that the whole nation, without any principle of representation, would be actually present. We already find in the Vedic period the principle of representation appreciated and variously acted upon: we have the *Grāmaṇī* or the 'leader' of the town or village, as a representative *persona* in the coronation ceremony,<sup>1</sup> representatives of trade also are seen at the ceremony. From a passage in the 'Hymn to the Land' of the *Atharva-Veda*, where the Samitis (XII. 156, *ये संग्रामा समितयः* 'the assembled Samitis') of the whole land are referred to, it seems that those who were assembled (*samgrāma*?) were the 'villages together' (*samgrāma*). The village, as a collective unit, is well known *Śrīyā* *Mānava* 'wandered about' with his *grāma* (*Śatapatha*, IV. 1, 5, 2, 7).<sup>2</sup> In later times in

<sup>1</sup> Tacitus, *Moneta et Populus Germaniae* 11

<sup>2</sup> S. B. E., xlix 362 Original अग्रा पदेद ईमान मद्रमा सुदुहरी जन प्रति ।

<sup>3</sup> *Samgrāma* § 211

<sup>4</sup> ये संग्रामा मद्रमा या मद्रमा वधिमद्रमा ।

ये मद्रमा मद्रिमद्रमा ये मद्रमद्रमा ।

<sup>5</sup> Cf. "In several passages, the word (*grāma*) occurs with what appears to be the derivative sense of 'body of men'" Marshall and Keith, *Vedic Index*, I 245.



in law-books, 'the village' fights out legal disputes ; 'the village' is even fined. The Grāmanī was the key-stone of the village-constitution. The village even took to themselves the name of their leader (Grāmanī)<sup>1</sup> We have the 'village-together' meeting (*saṃgrāma*) 'desirous of agreement' in the Taittiriya Saṃhitā (संग्रामे सयत्ते सम्यक्कामः<sup>2</sup>). It seems that the village formed the basis of the constitution of the Samiti, if not originally, certainly, in later times

§ 11 The Samiti had a very long life We find it in the Vedic age itself regarded as eternal, called 'a daughter of Prajāpati,'<sup>3</sup> the Creator. Historical career of the Samiti It must have been, therefore, an ancient institution even then. Its continuous existence is attested by the R̥g-Veda and the Atharva-Veda, and later, by the Chhāndogya Upanishad ( 800 or 700 B. C ) which nearly marks the end of the later Vedic period. The period covered by these records extends over several centuries • That the institution did not far outlive the later Vedic age and did not come down to the epoch which in its latest phase saw the rise of empires, is borne out by the Pāraskara-Grihya Sūtra ( c 500 B. C ) which treats the Samiti (called by the other name, *Parishat*, or rather *Parshat*)<sup>4</sup> evidently as a reminiscence (Pār G III 13 4) In Pāraskara the ancient tradition of Samiti is merely applied to the Sabhā, as the opening sentence indicates (अथातः सभाप्रवेशनम्). The Samiti disappears before the time of the Jātakas (600 B. C.) We have thus the age-history of the Samiti from the latter part of the millennium of the R̥g-Veda

<sup>1</sup> See Kāśikā on P, v 3 112 'देवदत्तो ग्रामणीरित्येतन्मि देवदत्तका'

<sup>2</sup> n. 1 8 4. Cf चाद्योयं सुहृदिरैकमर्थं समरः । यद्युमि सभिरित्यथो । Bhaṭṭa Bhāskara Miśra on TS.

Inter village gathering for war purposes gave the secondary meaning of 'war' to the expression *saṃgrāma*

<sup>3</sup> A V, VII. 12

<sup>4</sup> *Parishat*, lit means the 'great session' The *meeting* of the Samiti came to denote the Samiti itself The form *parishat* is also occasionally found (Cf. Baudhāyana, Dh. S., i 1. 9)

down to about 700 B. C., a life extending certainly over a thousand years, and very likely longer. In the imperial epoch, we naturally do not find the Samiti, but we find another institution which, as we shall see (Ch xxvii), was a phoenix, \*

## CHAPTER III

### The Sabha

§ 12. There was another noteworthy constitutional organism in the Vedic Age and later It was the *Sabbhā* a distinguished popular body *Sabbhā* It is described as a sister of the *Samiti*, one of the two daughters of *Prajāpati*<sup>1</sup> This also was a popular body. Prayer for co-operation in the *Sabbhā* shows that discord in the *Sabbhā* assembly was as much disliked and dreaded as in the *Samiti* The

<sup>1</sup> Atharva Veda 7 12

सभा च मा समितिवावता प्रजापतेर्दुहितरी सविदाने ।

देना सुगहा सप मा स मिवावाव वदानि पितर स गतयु ॥ १ ॥

विप्र ते सभे नाम गरिटा नाम वा असि ।

ये ते के च सभासदने मे सन्तु सवाचस ॥ २ ॥

एवामह समासीनाम वर्षो विशानमा दद ।

अस्या सर्वस्या स सदो मामिन्द्र मग्निं हव्य ॥ ३ ॥

यः कीमन् परागन् यदवमिह वेह वा ।

तदव चा वतंसामसि मयि की रमताम ॥ ४ ॥

Translation —

(1) 'May the *Samiti* and the *Sabbhā* the two daughters of *Prajāpati*, concurrently aid me May he with whom I shall meet co-operate with me may I O ye Fathers speak agreeably to those assembled

(2) 'We know thy name O Assembly *Varishat* verily is thy name May all those that sit assembled in thee utter speech in harmony with me

(3) 'Of them that are sitting together I take to myself the power and the under-  
standing in this entire gathering O Indra render me successful

(4) 'If your mind has wandered to a distance, or has been enchained I free it there then do we turn it hither May your mind take delight in me'

[I have adopted the translation of the hymn as proposed in the Sacred Books of the East volume on the Atharva Veda (xli 133), with the exception of the rendering of *varishat* which has been translated there as 'mirth' and alternatively as 'most favourable to men' (p 544)]

Sabhā is called *narishta* which Sāyana explains as a *resolution* of 'many' that cannot be broken or violated (नरिष्टा; अहिंसिता

Its resolutions

परैरनभिभाव्या बहवः संभूय यद्येकं वाक्यं वदेयुस्तद्धि न परैरतिलङ्घ्यम् अतः अनतिलङ्घ्यवाक्यत्वात् नरिष्टेति

नाम १). 'Hence from the inviolability the name is derived' With reference to this name, the speaker wishes that 'all those that sit assembled in Thee, utter speech in harmony with me.' Free discussion was thus held in the Sabhā, and a resolution of the Sabhā was considered binding on all and inviolable. Evidently, the Sabhā was almost as important as the Samiti.

§ 13 It was certainly related to the Samiti, but its exact relationship is not deducible from the data available. Probably it was the standing and stationary body of selected men working under the authority of the Samiti. Sabhā, means, *lit.*, 'a body of men shining together' 1 Those entitled to a seat therein were invested, so to say, with lustre. They are pointedly alluded to 2 They were objects of special respect. 3 The Sabhā had its president, called Sabhāpati 4

Composition of the Sabhā

It seems there were 'Elders' in the Sabhā. We meet with Elders and 'Fathers' of councils in other ancient bodies holding executive authority (§ 43) Reference to the "Fathers" in the above-quoted hymn is probably to the Fathers or Elders in the Sabhā, a view which Sāyana alternatively puts forward (हे पितरः पालकाः .. .. पिढभूता वा हे सभासदी जनाः)

§ 14. One function of the Sabhā is definitely clear. The Sabhā acted as the national judicature. The Sabhā is called 'Trouble' and 'Vehemence' in the Pāraskara Gr̥hya 5 As 'trouble' and 'vehemence'

Judicial Function of the Sabhā

1 Cf. Jayarāma - सद्यश्चैव सङ्घर्षो भवतीति सभा । Pāraskara Gr̥hya, iii 13 1

2 AV. vii. 12, White Yajur, xvi 28

3 Cf. W. Yajur Veda, xvi 24 नमः सुभाष्य सभापतिभ्यश्च ।

4 See § 14, n 2

5 iii 17 आदिशोमासि विदिशोमासि । Jayarāma renders them as 'sounding' and 'shining'

were in store there for the culprit, the Sabhā seems to have acquired those names, like the present day appellation "Criminal" of our Criminal Courts. In the Purushamedha of the Śukla Yajur-Veda, Sabhā Chāra, 'one going to the Sabhā,' is dedicated as a victim to Justice (धर्माय सभाचरम्, 30.6). Again, the R̥ig-Veda (X 71 10) describes the friends of one who has come back successful from the Sabhā 'joyful' and 'delighted' and the man himself as 'free from blame.'

मर्वे नन्दन्ति यशसागतेन सभासाहेन सख्या सखायः ।

किल्बिषस्पृत्पितृपणिह्वामरं हितो भवति वाजिनाय ॥

The White Yajur-Veda mentions also people repenting of the sins committed in the Sabhā<sup>1</sup>

The Jātakas preserve an old memorial verse, which says that the Sabhā which has no good people (सतो) is no Sabhā, that the people who do not speak out the Dhamma (justice) are not good people, that those who avoid personal sentiments and speak out justice are called the 'good people'

न सा सभा यत् न संति सतो न ते संतो ये न भणन्ति धम्मं ।

रागं च दोमं च पहाय मोहं धम्मं भणन्ता च भवन्ति संतो ॥<sup>2</sup>

§ 15. In Vedic literature the expression *Sabhā* is used in

Sabhā a later Rig several senses, for instance, to denote a hall,  
vedic institution a house, the gambling hall, and the royal  
court In our constitutional sense, there is only one late

(*सदस्यैका* *दीक्षा*) *survivors of participants of justice (धर्मनिष्पन्नाः)* 'Trouble' and 'Vehemence' are Oldenberg's renderings in S B E, xxix 362 If Jayarāma's view be right, *सिषि* would refer to the fire which, according to the law-books, was kept in the court house and which is probably also indicated by the Vedic term *sabhya* for fire (Atharva V, viii 105) See § 16, n 3, fire was kept also in the *vidātha* नादि as 'sounding,' may point to the feature contributed by *discussions*

<sup>1</sup> यदयमे यदरथो यत्तभाया यदिद्विधिः ।

यत्तु द्वे यदरे यदेन यत्तुमा ययं यदेकस्याधि धर्मणि तस्याव्ययमसि ॥ AX 17.

<sup>2</sup> Jātaka, v 509 The first half of the verse is given by Vyāsa in his lawbook in the description of the legal *Sabhā* (Upārka, V, II 4) Instead of *santo* ('the good') Vyāsa has *ṛṣi* or Elders, which shows that probably the *sabhā* was originally composed of Elders.

reference in the R̥ig-Veda, viz., in X.71.10, noticed above. The rise of the Sabhā, therefore, is to be dated like that of the Samiti in the latest period of the R̥ig-Veda. Its career is co-extensive with that of the Samiti. Even during royal and imperial centralisation, as we shall see, the judicial Sabhā of the king preserved traces of its popular origin and retained some important popular features in its administration of justice.

§ 16 The Samiti and Sabhā were not the only popular institutions of the Vedic times. The religious life was organised through the Vidatha assembly,<sup>1</sup> which had existed even earlier<sup>2</sup> than the Samiti. It seems to have been the parent folk-assembly from which the Sabhā, Samiti and Senā differentiated, for we find the Vidatha associated with civil, military and religious functions (Roth).<sup>3</sup> The [Senā or the Army, which was in early times the nation-in-arms, was regarded as a body by itself and evidently as a constitutional unit :

त सभा च समितिश्च सेना च

(AV., XV.9.2)

Much information about the Senā is not yet available, and we are here more concerned with the civil aspect of our Hindu polity

§ 17. In later times education was separately organised in *Charakas*, which were a sort of Vedic Faculties. The Parishad or Convocation of learning had evidently separated from the

<sup>1</sup> AV. 1.13.4 (Whitney translates by 'council')

<sup>2</sup> RV. 1.60 (where fire is called the flag (*Ketu*) of Vidatha. Zimmer (p. 177) thinks, probably not correctly, that it was a smaller body of the Samiti (M & K).

<sup>3</sup> विदथश्च भूमिश्च राजानां प्रदिशो दधाते, RV. 3.38.5, RV. 17.1.4, 3.26.6 See also M & K, V.1. on Vidatha

<sup>4</sup> This and the reference in the Prithivī Sūkta (AV. xii.1.56) conclusively prove that the Sabhā was a distinct institution like the Senā and that it was not the building where the Samiti met, as taken by some scholars

general national *Parishad* or *Samiti*. Economic life, similarly, was crystallised in trade-guilds and guilds merchant whose existence is traced in the Jātakas and Dharma-sūtras. In post-Vedic times, national life thus expresses itself into various self-governing institutions, and, in doing so, it really carries forward the Vedic traditions of communal institutions.

### III

#### HINDU REPUBLICS : (a) RISE AND PROSPERITY



## CHAPTER IV

### Rise of Hindu Republics

and

#### Hindu Terms for Republics

§ 18 **H i n d u R e p u b l i c s** are another illustration of the communal self governing habits of the post Vedic age, referred to in our last paragraph. The early Vedas know only **m o n a r c h y**. Departure from this normal constitution was made in post-Vedic times, and, as Megasthenes also records the tradition, 'sovereignty (kingship) was dissolved and democratic governments set up' in various places. The Mahā Bhārata, similarly, as we shall see in our discussion on **H i n d u M o n a r c h y**, considers monarchy alone as the Vedic form of government. The hymns of the R̥ik and Atharvan, the view of the Mahā Bhārata and the tradition which Megasthenes heard in India in the fourth century B. C., all point to the fact that republican form of government in India came long after **m o n a r c h y**, and after the early Vedic age. It appears in the later Vedic literature in the R̥igvedic Brāhmana the Aitareya, and in the Yajurveda and its Brāhmana the Taittiriya. The republican constitutions mentioned in these documents will be discussed, for the sake of convenience and clearness, after the better known cases of later history.

<sup>1</sup> Epitome of Megasthenes Diod II 33. Cf. Crindle *Megasthenes* pp 38, 40

<sup>2</sup> See Ch X below

The account of Hindu States of non-kingly forms of government presents a great chapter in the constitutional history of the race. We will therefore pay particular attention to it in these studies.

§ 19. Prof Rhys Davids, in his *Buddhist India*, showed that republican form of government obtained in the country of the Buddha and his neighbours. But it had not been pointed out that our literature preserves technical names for Hindu Republics. One of these terms which first attracted my attention was the word *Gana*. In the *Āchārāṅga Sūtra* of the Jaina branch of Hindu literature, I came across the terms *Do-rajjāni* and *Gana-rāyāni* (II 31.10)<sup>1</sup> which struck me as defining constitutions. *Do-rajjāni* were states ruled by two rulers, similarly, *Gana-rāyāni* would be states where *Gana* or 'numbers' ruled. In other places, I found the word *gana* alone standing for a *gana-state*. Further enquiry supplied evidence to confirm my belief that *Gana* denoted a republic and that its interpretation as then current ('tribe,' by Fleet and others, 'corporation of tradesmen or workmen,' by Buhler) was wrong. I further noticed that *Saṃgha* was another term in the same sense. Some of the data on which my conclusions were based were set forth in the original essay published under the title of the present work.<sup>2</sup> Now I am in possession of new materials which throw further light on the significance of the two terms.

§ 20. It is necessary to ascertain what was exactly meant by *gana*. It means 'numbers': *gana-rājya* will therefore mean the rule of 'numbers,' 'the rule by many.' Here the Buddhist Canon comes to our

<sup>1</sup> वाग्दण्डि वा दण्डगणानि वा जुहवायविवा दीरजाणि वा वेरजाणि वा विहहजाणि वा—  
See on the significance of these terms *infra* §§ 100-101. *Gana-rājya* is given by  
Vaidya Mishra also. Dr S N 14

<sup>2</sup> *The Modern Law*, Calcutta 1913

assistance The Buddha was asked as to how the number of the monks was to be made out<sup>1</sup> —

“At that time the people asked the Bhikkhus who went about for alms ‘How many Bhikkhus are there, Reverend Sirs?’

The Bhikkhus replied, ‘We do not know, friends!’

‘The people were annoyed. They told this thing to the ‘Blessed One’”

The Buddha prescribed that the brethren should be counted on the Uposatha day by the system employed in a *gana* or by collecting voting tickets

“I prescribe, O Bhikkhus, that you count (the Bhikkhus) on the day of Uposatha by the method of *ganas* (*gana maggena ganetum*) or that you take the voting tickets (*salāḷā*)”

“The Bhikkhus were to be counted in an assembly by the method of counting votes as done in a *gana*, or by the method of ballot voting” where tickets were collected. In this connexion, let us also take the term *ganapāṇika* of the Pāli Canon<sup>2</sup>. The *ganapāṇika* was an officer who saw whether the lawful quorum of the assembly was formed before it transacted official business. It literally means “the Completer of the *Gana*.” *Gana* thus was the *assembly* or *parliament*, so called because of the ‘number’ or ‘numbering’ of the members present. *Ganāṇājyā*, consequently, denoted *government by assembly* or *parliament*. The secondary meaning of *Gana* came to be ‘parliament’ or ‘senate’ and as republics were governed by them *gana* came to mean a republic itself.

§ 21 Pāṇini, dealing with the formation of the word *saṃgha*, in III 3 86 (संघोहो गणप्रसयोः) says that the word

<sup>1</sup> *Mahavagga* II 18. See Translation by R. C. Davis and O. J. Ollenberger in SBE Vol. XIII p. 263.

<sup>2</sup> See *infra* Ch. XI on *Procedure of Deliberations*.

<sup>3</sup> गणप्रसयो वा भविष्यासीति *Mahavagga* III 6 6. Cf. SBE Vol. XIII p. 267.

*saṃgha* (as against the regular *saṃghāta*,<sup>1</sup> derived from *han*, III 3. 76) is in the meaning of *gaṇa*. When Pāṇini has occasion to mention individual *Samghas*, he names communities which are known from monumental and other evidence to have been republican.<sup>2</sup> In his time *Samgha* denoted *Gaṇa*, and the religious *Samgha* does not appear to have come into prominence. In fact, as we shall see, the latter was a copy of the political *Samgha*. Known republican bodies are called by Kāṭilya *Samghas*.<sup>3</sup> There is thus not much room to doubt that *Samgha* originally meant a republic. The most ancient work of the Buddhist, the Pāli Piṭaka, itself confirms this. The Majjhima Nikāya (I. 4 5. 35) uses the terms *saṃgha* and *gaṇa* side by side, taking them to mean, without the fear of least confusion, the republics of the time of the Buddha: 'imesaṃ pi hi bho Gotama saṃghānaṃ, 'gaṇānaṃ seyyathidaṃ Vajjinaṃ Mallānaṃ' " and "this is so, O Gotama, in respect of the *Samghas*, "*Ganas*, for instance, the *Vajjis*, *Mallas*." Thus *saṃgha* and also *gaṇa*, which are used here as in Pāṇini, synonymously, signified, *par excellence*, the republics. The republics were the *saṃghas* and the *ganas* at the time. Their secondary use, adoption by religious communities of the time, was just taking shape.<sup>4</sup>

The term *gaṇa* signified the form of government. *Samgha*, on the other hand, signified the *state*. [As Patanājali says, *Samgha* is so called because it is one body, a unity (*saṃghānana*)<sup>5</sup> As we shall see presently, the *Samgha*, as a unit, a *body politic*, had its 'arms'<sup>6</sup> like a king or a corporation aggregate.

<sup>1</sup> गणघटनं (गण + घट्) : *hāṇkṣ*, p. 214 (Benares, 1898)

<sup>2</sup> See below, c. vii

<sup>3</sup> See the use of *saṃgha* and *gaṇa* in MN. I 4 5, and also here § below 23, n

<sup>4</sup> गणघटनं वन, in *Paṇini*, V 1. 59; *Kuṭubh*, II, p. 356 (2nd Ed.)

<sup>5</sup> See *infra* § 41.

§ 22 A wrong value to *gana* has been assigned in the Dictionary of Monier Williams which has misled many modern students of Sanskrit literature. Monier-Williams translated the word by the English word *tribe*. This meaning was adopted by the late Dr Fleet in his translation of the Gupta Inscriptions in connexion with the *Valāka gana* of those records. When my interpretation was published, Dr F W Thomas, the foremost Indianist scholar in England, pointed out that the 'tribe' meaning was to be given up. And when Dr Fleet insisted on the correctness of his rendering—'tribe'—Dr Thomas challenged him to show that meaning from Sanskrit literature. Dr Fleet found no authority except that of modern English translations of the *Rāghuvamśa* and the *Mahābhārata*. Dr Thomas drew attention to the fact that the St Petersburg Dictionary and some later Dictionaries never authorised and accepted the 'tribe' interpretation.<sup>1</sup> Further data collected by me on the point leave no room for controversy.

§ 23. Pāṇini, as we have seen, equates *gana* with *saṃgha*. No one would say that the word *saṃgha* can in any way be connected with 'tribe' there. Agam, 'new *ganās* were founded'. Would that mean that new 'tribes' were founded? Such a meaning would hardly deserve consideration.

§ 24 The *Jātakas*, vols I and II, have two passages which help us considerably in appraising the value of *gana*. They describe how families in Śrāvastī managed to entertain the Bhikkhus of the Buddha's Order. Some households combined into threes and fours, in some cases the whole quarter combined together, and jointly

<sup>1</sup> J R A S 1914 pp 413 1010, 1915 p 533 1916 p 162

<sup>2</sup> See *infra* Ch xv. See Sāmaññaphala Sutta (§§ 2-7) where Teachers as founders of new schools are called *Samgha* cheva *gaṇi* ca — 'Founder of *Samgha* and Founder of *gana*'. This also dispels the tribe theory.

provided for the feasts of the Bhikkhus, while in some cases 'many' people managed the entertainment by 'combining' according to the '*gana binding (gana bandhana)*'. Here the real sense of *gana* becomes apparent *assembly or association*. The word *bandhana* (the *binding*, Ger. '*bund*') shows the artificial nature of the *gana*-organization, as opposed to the tribal and primitive

§ 25 The best discussion on the subject is Ch 107 of the Śānti Parvan of the Mahā Bhārata which tells us in the clearest possible terms what *gana* was

The Mahā Bhārata  
on Gana

I give the whole chapter with translation in chapter XIV below. Ganas were noted according to that, for their successful foreign policy, for their full treasury, for their ready army, for their skill in war, for their good laws for their discipline. Mantra or policy of state and the discussion of that policy by the large number of the *gana* are alluded to. These characteristics, among others, cannot refer to a tribe as such or to a corporation of traders, they refer to *gana* as an organization of assembly government or republic. Its general meaning is assembly<sup>1</sup> and technical assembly government or a republic.

In the time of the legal commentators, *ganas* as political institutions had long ceased to exist. But the commentators never fell into the error of taking them as 'tribes.' They treat them as artificial associations or assemblies, *eq.*, take the view cited by Dr Jolly in his translation of Nārada (S B I, xxxii, p 6 n) '*gana* in assembly of co-habitants.' Dr Jolly,

Hindu Law and  
Ancient Law on Gana

<sup>1</sup> Jātaka I 492. *Kaddheli ho chattiāri ekato luttā kaddheli gāḥa laddhena kaddheli vithi sabbhāgama kaddheli sakkāḥi rāgarāṇa cchāṇa lakkaṇa sampāṇitvā*. Jātaka II 45. *gāḥa laddhena bahū ekato luttā*.

<sup>2</sup> In that meaning it is used also in the *Dharmasūtra* which calls the body of ministers the *gana* of ministers pp 404-429.

<sup>3</sup> Cf. Jagan title. "आदिपञ्चो गणपतिर्दिव्यवक्त्रः" Jolly Nārada Smṛiti (text)

in fact, translates *gana* in verse 7 of *Nārada* as 'assembly,' and *gaṇārtham* as 'on behalf of Society.' Though it is not strictly the technical sense of *Nārada*, yet it is very near the original sense and it follows the spirit.

*Amara* an author of the early Gupta time (very probably, under *Chandra Gupta Vikramāditya*) explains in his lexicon the constitutional terms *Rājaka* and *Rājanyaka* as a *gana* of kings and a *gana* of *Kshatriyas* (ordinary rulers) respectively (... अथ राजकम् । राजन्यकं च नृपतिचत्वारिंशं गणे क्रमात् । II. 8. xi. 3—4).

§ 26 } In the *Aradāna-Sataka*, *gana* rule is opposed to royal rule. } Merchants from the Middle Country of Northern India had gone to the Deccan in the time of the Buddha. When questioned by the King of the Deccan, 'Gentlemen Merchants, who is the king there (in Northern India)?,' they replied :

"Your Majesty, some countries are under *ganas* and some are under kings."

Here the royal form of government is contrasted with the *gana*-form; these were the two divisions. And the only form of government which can be contra-distinguished from the royal is republican.

§ 27. A *Jaina* text in explaining *gana* says that with reference to human society *gana* is a group with the main characteristic of 'possessing a mind,' of being conscious. According to the text there is also an abuse of the term. The examples given of its right use are 'the *gana* of the *Mallas* (a known republican community, as we shall

p 163 n. *Nīlakaṇṭha* in his *Iyārāṇa-a-Muṇḍaka* (Ch. on *Sūtravidyāśikrama*), equates *gana* with *Samgha*

<sup>1</sup> S B E, XXXIII, p 249, verse 24

<sup>2</sup> Ed Speyer, Petrograd, 1902, II, p 103 "अथ मय्यदिशावधिजी दधिषापय गताः । ते राज्ञी महाकपिष्वभ्य प्राशतमुपनीतम् । राज्ञा एक भी वधिज कस्तव राजेति । वधिजः कथयन्ति । देव केचिद्दिशा गवाधौना केचिद्दिशाधौना इति ।" I am thankful to Mr Ramaprasad Chandra for this reference

presently see<sup>1</sup>) and 'the g a ṇ a of the Pura,' i.e., the Pura assembly (see below, ch. xxviii, on the Paura). As an example of its abuse, the g a ṇ a of Vasus (Vasu gods) is given by the commentator. Its non-social use is pointed out in music (*bhāva-gaṇa*). Non-constitutional g a ṇ a s, according to the commentary, lack mentality or purpose [in making up the group], e.g., 'Vasugaṇa' (the Vasu gods)<sup>2</sup> In other words, the application of the word to a non-constitutional body is distinguished. The constitutional *gaṇa* is the real *gana*, and in the eye of the Jaina authority, it has a mind: it is an organised conscious body of men like the political assembly of the Mallas or the assembly of the corporate Paura. It is a corporate assembly, as opposed to a mere multitude or chance collection.

§ 28. This passage, along with the discourse in the Mahā-Bhārata on G a ṇ a s, the Jātaka and the Avadāna references, and Pāṇini's equation of *saṃgha* with *gaṇa* leave no doubt as to the real significance of *gaṇa*.

Now we may pass on from the terms to the republics themselves

<sup>1</sup> See ch. vii below

<sup>2</sup> सचित्तसमूहो लीङ्गविशेषो लक्षणप्रादि ।

कुप्यवशेषाणि लीङ्गविशेषाणि ॥—Text quoted in the Jaina Prākṛita Encyclopædia *Abhidhāna Rajendra* (Rutlam, 1919\*, Vol. III, p. 812, comments सचित्तसमूहो यथा लक्षणं सचित्तसमूहो यथा लक्षणं कुप्यवशेषे द्रव्यविशेषो यथा चरकादिना । चरक परित्राजक (p. 814)

Cf. on सचित्त Pāṇini IV 2 47, and IV 3 96 where political loyalty is implied to be सचित्त, 'with mentality,' 'thought' and see *infra* § 118 and *ns*



## CHAPTER V

### Republics in Pāṇini

§ 29. Pāṇini gives most valuable information about Hindu Republics of his time which I take to be about 500 B.C.<sup>1</sup> He gives several rules about the formation of words connected with *Samgha*s. The large number of the rules impresses one with the importance which the contemporaries of Pāṇini attached to the existing republics. Like any other important, orthodox institution the Republics engaged the attention of the orthodox grammarians. Further, Pāṇini gives an indication as to the part of the country and area covered by the republics in his days.

With Pāṇini, as we have seen above, the word *Samgha* is a technical term which denoted the *political Samgha*, or, as he calls it, the *Gana* or Republic. He does not know the *religious Samgha*, which, as we shall presently see (§ 43), was a copy of the *political Samgha*. In the days of Pāṇini, Buddhist and Jaina Samghas either did not exist (and in that case Pāṇini's date would be about 600 B.C.), or they had not become important. It is to be noticed that *Kātyāyana* (cir 400 B.C.)<sup>2</sup>

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<sup>1</sup> This date is based on political data in Pāṇini which may be discussed in detail in a separate paper. Here, however, attention may be drawn to the fact that Pāṇini knew the Order of *Makkhali Wanderers* (= *Masakarin*, VI 1 154, M V, p 256, 'Masakarin', see the remark of Patañjali on the word). The *Makkhals* merged into the *Ajivakas* in the time of *Makkhali Gosāla*, contemporary of the Buddha, from whose time they acquired the latter designation. *Anga* had evidently ceased to be a separate kingdom, while *Kosala* was still independent (IV 1 170 175). Again Pāṇini knew *Samgha*, as discussed above, only in the sense of a republic. The mention of the script of the *Yatuvaks* can now be easily explained, in view of their identification proposed here below with the Hellenic City State of *Nisa*, on the Kabul river, which had existed long before Alexander. See also Greek letters in Persian coins struck in India, Rapson, IC, pl. I.

<sup>2</sup> J. BORS, I pp 82, 116.

found *Samgha* in the same technical sense as Pāṇini, for he gives no *vārttika* to Pāṇini, III 3.86, in dissent. K a u t i l y a (cir 300 B C) too has the same use but with the difference that he employs it in a general sense as well (pp 36, 49, 407), viz., that of a corporate association

§ 30. Pāṇini in V. 3. 114 to 117 gives *taddhita* rules with regard to the *Samghas* of the Vāhika country. By those rules, the members of a particular *Samgha*, when mentioned, could be distinguished, whether they were Brahmins, Kshatriyas, or of castes other than those. For instance, take the well-known example of the *Mālavās*, called *Malloi* by Alexander's historians.<sup>1</sup> A non-Brahmin and a non-Kshatriya of the *Mālava Samgha* would be called *Mālavāh*; while a Kshatriya would be *Mālavāh*, the plural in each case being *Mālavāh*.<sup>2</sup> This points to the stage of a developed, the familiar, Hindu society, as opposed to a tribal stage.

§ 31. K ā t y ā y a n a, commenting on Pāṇini, IV. 1 168, says that the rule (of the *añ pratyaya*) in making a derivative from the national designation of a Kshatriya will hold good only if the Kshatriya is not a member of a *Samgha*, for the rule is limited to the case of a *monarchy*.<sup>3</sup>

<sup>1</sup> The credit of identifying the *Oxydai* and *Malloi* of the Greek writers with the *Kahadrakas* and *Malavas* of the grammar belongs to Sir Rāmākrishna Gopāla Bhaṇḍarkar, who was the first to correct the mistaken identification put forward by scholars. They had taken the former to stand for *sūdras*. See *Ind. Ant.*, Vol. 1 p 23.

<sup>2</sup> आ, धर्मीयमिवात्र आह्वयिष्यन्नाह्वयराजानां पृथग्वर्तमानाः ।  
Kāśhā .. वाहीष्य य आध्वयविमर्शनादिना प्रतिपदिकादह्वय राजन्वर्जितारम्भाय अह्वयधी भवति । आह्वये तद्विषयकम् । अत्रापि न, अपह्वयमेव । अह्वयं अह्वयि चद्रका ।  
मालाः । मालाः । माला pp 455 456

<sup>3</sup> अत्रापि दशानामुपनिषदादयः पृथग्वर्तमानाः । Kātyāyana — अत्रापि दशानामुपनिषदादयः पृथग्वर्तमानाः ।  
[*Monarchy* is a technical term for monarch in Hindu politics. The term is explained in connection with rituals in Vedic literature. Its interpretation as 'monarchy' is now accepted (see Macdonell and Keith *Vedic Index* Vol 1 p 119). Literally, it means the 'dever' (See *Arthaśāstra* Bk XI Ch 1 p 379).]



Pāṇini calls these Samghas *āyudha-jīvinas* Kautilya has in its place *Śāstropajīvinas*. Now, what is the meaning of this? The first impression will be to interpret it as 'those who live by the profession of arms,' as I took it myself in my essay in the *Modern Review*. But this meaning is not maintainable for two reasons. The Artha Śāstra contrasts the *Śāstropajīvin* Samghas with *Rājāśābdopajīvin* Samghas, which means, according to Kautilya's further discussion (p 377) the Samghas whose rulers assume the 'title' (*śabda*) of *rājan*. We know from inscriptions, coins and literature that elected or appointed rulers in some Indian republics did assume that title<sup>2</sup>. Now, here 'upajīvin' cannot mean 'living by,' as a republic cannot *live* by the title *rājā*. The meaning which would suit both classes of Kautilya's republics is the other known meaning of the verb *upajīv*, 'to observe' *e.g.*, in Manu, X 74, where a Brahmin is asked to *upajīv* the six duties, which include making gifts<sup>3</sup>. *Upajīvin* in that sense explains that the Samghas called 'Śāstropajīvinas' observed the practice of arms or military art, and that the Samghas called 'Rājāśābdopajīvinas' observed the practice of assuming the title *rājā*. In other words, their respective constitutions enjoined on the members to be skilled in military

Sūtra 168 *supra*) Pāṇini calls the *lāṭhēyas* a *jānapada*, a nation or country i.e. political community.

The Parśvas of Lāṭhī were in the Vāluka country (See § 34 *infra*) and there were Brahmins and Rājanyas amongst them. The Parśvas are mentioned in the Vedas also VI I pp 504 5

<sup>2</sup> राजशब्दिभिरवदमवतिर्न वा 1S XII p 377

<sup>3</sup> Cf c xvii below also § 51

<sup>4</sup> ब्राह्मणा ब्रह्मयोगिभ्यो ये स्वकर्मण्यवस्थिता ।

ते सत्यमुपजीवयुः षट्कथाणि यथाक्रमम् ॥ ७४ ॥

ब्रह्मण्यनभ्यस्यन् यजन् यजन् तदा ।

यत्नं प्रतिपद्येव षट्कथाण्यवजन् ॥ ७५ ॥ Manu, X

Kullīka, उपजीवयुः = अवतिष्ठयुः

§ 34. Further, Pāṇini says that these republics were situated in the Vāhika Country. Now, what was the Vāhika Country? It has been already realized that the people Vāhikas mentioned in the Mahā-Bhārata were in the Punjab.<sup>1</sup> But the significance of the word *Vāhika* has not yet been considered. I think the word *Vāhika* means 'the country of the rivers,'<sup>2</sup> and as such, the Vāhika-land would comprise the Sind valley and the Punjab. These are exactly the limits given in the Mahā-Bhārata: 'the (Vāhikas) that live in the valleys of the five rivers and in that of the Sindhu as the sixth.'<sup>3</sup> From the known history of some of the Vāhika republics of the grammar, we can say that the Vāhika land did include Sind. For instance, the Kshudrakas and the Mātavas were partially in Sind.<sup>4</sup> The Kāśikā puts them amongst the illustrations of the Vāhika-Saṃghas.<sup>5</sup> The Vāhika country was 'away from the Himalayas,' i. e., it did not include the mountain districts.<sup>6</sup> [The Six Trigarttas were at the foot of the Himalayas in the Punjab, about Jammu or Kangra.]

<sup>1</sup> See Sylvain Lévi, *Ind Ant*, vol xxxv (1906), p 18.

<sup>2</sup> From the verb *वह्* to flow, Cf वाहिनी—a river

<sup>3</sup> पञ्चानां सिन्धुपद्मानां नदीनां येऽन्यथान्विताः । Kārpa Parvan, xlv. 7. Nāgesa—Pradipoddyota on Pāṇini, एह शब्दा द्वे, 1 1 75,

"यतश्च विपरीतावती वितसा चन्द्रभागेति पञ्चनय सिन्धु

पञ्चनयसिन्धो वाहीक इति तदव्याख्यातारः",

The whole of the Punjab, according to the Mahā Bhārata, was under one ruler, who was at Śākala, and the people had become heterodox. This indicates the time of Menander and later

<sup>4</sup> See also Kārpa Parvan, M-Bh, Ch, xl 41, where the Madras and Sindhu Samvras are grouped together. Cf V Smith, J R A S, 1903, 685

<sup>5</sup> वाहीकेषु य वाहिकेभिरिषेवसराचिनः... क्रौड्योदयः । क्रौड्यः । मालव्यः...pp 455 6

<sup>6</sup> The Mahā-Bhārata describes the Vāhika country away from the Himalayas (K. P xlv 6) Pāṇini also treats the mountaineers as distinct (IV. 3 91)

§ 35. Besides these martial republics, Pāṇini gives us the names of six other communities which from independent sources<sup>1</sup> are known to have been republican about that period. These are:—

- (1) the M a d r a :<sup>2</sup>
- (2) the V ṛ i j i :<sup>3</sup>
- (3) the R ā j a n y a :<sup>4</sup>
- (4) the A n d h a k a - V r i s h ṇ i :<sup>5</sup>
- (5) the M a h ā r ā j a :<sup>6</sup> and
- (6) the B h a r g a :<sup>7</sup>

Although Pāṇini had no occasion to call them *Samghas* yet the rules show that he knew them as republican. As we shall have opportunity to discuss these states in sequence, it is not necessary to go into details here

§ 36. Pāṇini's A n d h a k a - V r i s h ṇ i s have to be noted separately. They, in the Purāṇas, are identical with the Sātvats. The Sātvats, according to the Aitareya Brāhmaṇa, had the *Bhanujya* Constitution, and their rulers were called *Bhojas*.<sup>7</sup> In the Mahā-Bhārata, the Andhaka rulers are called *Bhojas*, and a subdivision of the

<sup>1</sup> See subsequent chapters for the account of the republics named here

<sup>2</sup> मद्रहन्वी कन् ॥ ४ ॥ २ ॥ १११ ॥

<sup>3</sup> राजनादिभ्यो वृज् ॥ ४ ॥ १ ॥ ५३ ॥ See also the Gaṇapāṭha on this for names of some other communities which are known to be republican

<sup>4</sup> राजन्यबहुवचनइन्द्रेभ्यकहणिषु ॥ ६ ॥ २ ॥ ३४ ॥

<sup>5</sup> महाराजाइज् ॥ ४ ॥ १ ॥ २० ॥ See discussion below on the Mahārāja 'nation'. §§ 118, 128.

<sup>6</sup> न प्राच्यभर्गादि द्यौर्ध्यादिभ्य ॥ ४ ॥ १ ॥ १०८ ॥

The Bhargava are called here 'Easterners'. According to the Mahā-Bhārata (Sabha-Parvan, xxx 10, 14), they were between the Vatsa territory and the Southern Mallas who were not very far from the Videhas. Pāṇini finds them a political community like the Yaudheyas, with whom he groups them (IV 1 168 78). The Buddhist records mention the Bhargava in the republican groups extending from Kosala and Kancāmlī eastward, and place the Bhargava next to the Vatsava (*Buddhist India*, p. 22. Jātaka, III, 157)

<sup>7</sup> Aitareya Brāhmaṇa, Bk. viii, 14

§ 37 The Vrishni coin has a peculiarity which distinguishes it from the coins of other republics. Coins of republics where there was no king consul were struck in the name of the Gana, e.g. "Victory to the Gana of the Arjunayanas". Of the Malava Gana, 'Victory of the Yaudheya Gana'. There is one exception to this in the case of one type of the Yaudheya coins which is struck both in the name of the Executive Council (*Mantra dharas*) and the Gana. The Vrishni coin resembles none of these varieties. It is struck in the name of the *Rajanya* and *Gana* of the Vrishnis. *Vrishni rājāñña ganasya*. The constitutional significance of the word *Rajanya*, has to be ascertained. There is evidence to hold that in the case of the

<sup>1</sup> Salaparuta 61 xv Sant'Andrea 61 lxxv

1952, 1953, 1954

\* See Appendix A and the whole law rendered in German translation.

[illegible]

Int. J. Numer. Anal. 11 (1991) 831-838

<sup>a</sup> H. *et al.* 1984, p. 138-60.

On 1988-11-11, the following information was received from the following sources:

1. The first part of the report is a summary of the work done during the year.

<sup>1</sup> Vṛishnis it had a definite constitutional meaning. Let us examine it.

§ 38 We gather from Pāṇini that there were two Rājanyas amongst the Andhaka-Vṛishnis.<sup>1</sup> He gives a special rule how to mention them (VI. 2 34). The Kāśikā,<sup>2</sup> commenting on that says that the rule does not apply to the members of the Andhakas and Vṛishnis as such, but to their Rājanyas only, the 'Rājanyas being leaders of families consecrated to rulership' The names of several of these 'dual' groups of Rulers are preserved in literature the Rājanyas of the groups of Śini and Vāsudeva, Śvāphalka and Chaitrakā are cited in the Kāśikā,<sup>3</sup> the Party (*taṅga*) of Akūra and the Party of Vāsudeva are alluded to by Kātyāyana,<sup>4</sup> Vāsudeva and Ugīasena Babhru are mentioned as leading their parties, in the Māhā-Bhārata (§ 197).

§ 39. Apparently, the Vṛishni-Andhaka league had a joint federal constitution where executive power was vested in two *rājanyas*, with their respective *vargas*, representing each division, and this was probably the Rājanyaka of Amara.<sup>4</sup> Kātyāyana mentioning 'the Party (*Varga*) of Akūra' and the

<sup>1</sup> राजन्यद्वयचन इन्द्रेभ्यकठण्डिपु ॥ ६ ॥ १ ॥ ३४ ॥

<sup>2</sup> Kāśikā, राजन्यवाचिनी बहुवचनानामां यी इन्द्रेभ्यकठण्डिपु वर्तते तत्र पूर्वपदं पुरुषित्तरं भवति । प्राक्कचैवका (after Dikshita) शिनि वासुदेवा । अन्वकठण्डय पते न तु राजन्या । राजन्यद्वयचन मिष्टाभिविक्तव्यथानी अविद्यायां यद्वर्णार्थम् । पते च नाभिविक्तव्यथा । बहुवचनयद्वय किम् । संकर्षण वासुदेवो । " pp. 546 7

<sup>3</sup> Kāśikā, p 546 *Chaitrakā rodhaka* was probably the full name The Kāśikā treats it as such, Dikshita omits *rodhaka* as does the Kāśikā later on

<sup>4</sup> On Pāṇini, IV 2 104 — अक्षरवर्ग्य । अक्षरवर्गीय । वासुदेववर्गीय । On the word वर्ग, see discussion below, under JINAPADA, § 258 It really means an assembly or council Brhaspati (Vivāda Ratnākara p 569) calls *gana*, *pāga* (guild) and similar bodies '*vargas*' Mitramisra explains a *vargin* body as a *gana* (Vivramitrodāya p 12), see also Nilakaptha, *Mayūkhā* I, on *varga* as a corporate body, and Pāṇini (V 1 60), in the sense of assembly whose members were counted A Senate or Council (*gana*) of Kshatriyas is called Rājanyaka and a council of 'Kings' Rājajaka by Amara (II 84) § 25 above See also below on Arājajaka, § 101



'Party of Vāsudeva,' undoubtedly draws on old literature. Akṛūra was an Andhaka leader, and it seems that at one time he was one of the two presidents of the Federal Council. This explains Kṛiṣṇa's saying in the *Mahā Bhārata*<sup>1</sup> that he holds authority or *Aditṛya* to the extent of one half only (*ardhabhojita*). In the tradition quoted in the *Mahā Bhārata*, the party of Akṛūra is bitterly complained against by Kṛiṣṇa. Probably it is to a constitution like that of the Andhaka-Vṛiṣṇi that the Jaina Sūtra refers as the rule of opposing parties.<sup>2</sup>

§ 10 Changing dual groups—Vāsudeva and Ugrasena, Akṛūra and Vāsudeva, Śmā and Vāsudeva—suggest that the Andhaka Rājanya and the Vṛiṣṇi Rājanya were elected rulers. The coins were struck in the name of the Rājanya and in the name of the Gaṇa, jointly. Other coins struck in the name of Rājanya is without the mention of the name of the states, have been found.<sup>3</sup> In view of our interpretation of the term Rājanya, in all probability, they are republican coins.

§ 11 Pāṇini implies by his rule IV. 3. 127 that a *Samgha* State <sup>State arms of the republics</sup> had its *añka* and *lakshana*. *Añka* means a mark, and *lakshana* also has a similar significance. I propose to identify this 'lakshana' of Pāṇini with the 'lākṣhṇa' or heraldic crest of later Sanskrit. The lakshana was the permanent heraldic mark of a Samgha-state which they employed on their seals, and probably also on their coins and standards. The *Arthaśāstra* of Kautilya (II 12, p. 81), in laying down rules for the manufacture of silver and copper coins, calls the Mint-Master 'Lakṣhanādhyakṣha' or the 'Director of Lakshanas'. The Mint-Master appears to have acquired this official designation on account

<sup>1</sup> See Appendix A, § 197.

<sup>2</sup> *Ācārāṅga Sūtra* II d 10 *śraddhārājya*.

<sup>3</sup> E.g., See Cunningham *Coins of Ancient India* p. 69, pl. IV.

<sup>4</sup> *स चाह लक्षणादधिकारिणम्* ॥ १० ॥ १० ॥ See Kāśikā, p. 350, मार्ग संघ । मार्गिक । मार्ग लक्षणा ।

of the *lakshana* he stamped on the coins. Evidently this refers to a coinage when no name, far less the figure, of the ruler was struck. The *lakshana*, therefore, in Kautilya, is the 'royal' or 'state' mark. The *anka*, it seems to me, refers to symbols adopted by changing governments. An elected ruler or body of rulers adopted their own special *anka* which was given up when those officers went out of office. In Hindu-Law books we get *hastānka* for signature.<sup>1</sup> Kālidāsa uses the term *gotrāṅka* in connection with a song, that is a signed song.<sup>2</sup> The verb *ank* is used from the time of Kautilya<sup>3</sup> (and evidently earlier) up to Kālidāsa,<sup>4</sup> and even later, in the sense of 'marking with letters or figures'. We have the term *Rājānka*, in Kautilya, with which the bulls of the royal stable were marked or branded. *Anka* thus signifies an individual mark. It may mean even the legend or the motto adopted by a ruler. Reference may be made to the legends *Mānānka* and *Guṇānka* (*aṅka* of King Māna, *aṅka* of King Guṇa) of Nepal coins, 425-450 A.C.<sup>5</sup> This interpretation would explain the permanent and the changing symbols and legends on republican coins. In the case of earlier punchmarked coins without legends, a Samgha probably employed its special *aṅka* in initial letter marks and otherwise, and its *lakshana* in the figure of an animal or river, town or the like. The animal most likely is the *lakshana*, and the legend, *anka*. The constitutional point is that the corporate

<sup>1</sup> पादविधाकादि इत्याह मुद्रितं राजमुद्रया । *Vaidika Vasishtha* quoted in the *Viramitrodaya* p. 290 (ed. Jivānanda)

<sup>2</sup> अतसङ्गे वा मलिनवस्त्रे सौख्यं निर्विष्य वीर्यं

मदगीषाङ्गं विरचितपदं गेयमुद्रयातुकाया ।

—Meghadūta II 80

<sup>3</sup> *Arthasāstra*, II 29 § 129

<sup>4</sup> आमादिदं (*Sakuntalā*)

<sup>5</sup> Lévi cited by Walsh J.R.A.S. 1908, pp. 678-79. Rapson, C.I., 32

The *Kāśikā* (p. 304) gives *nānā* as an example of *anka*. We know that some of the Kushān coins bore the legend NANA. The *Kāśikā* is evidently referring to that legend.

character of the *Samgha* is emphasised by the corporate crest and symbols.<sup>1</sup>

§ 42. Again by Sātra III. 3. 42, Pāṇini indicates a division of republics into two classes: (1) Where no Political Nikāya as a species of Samgha 'upper-and-lower condition' exists, and (2) where the condition does exist.<sup>2</sup> By the first we may understand a one chamber constitution and by the second a double-chamber constitution. The word used by Pāṇini for (1) is "anauttarādharya," and he lays down the rule that a *Samgha* to which this characteristic attached, was designated Kāya or Nikāya, meaning one 'body.'<sup>3</sup> In Pāli, Nikāya has got the same primary meaning, a 'fraternity' (Obhiders). The Buddhist fraternity was composed of only one house. Apparently the term was borrowed by the Buddhists from political phraseology. Three political Nikāyas are named in grammatical literature: Śāpiṇḍi-Nikāya, Maundi-Nikāya and Chikkali-Nikāya.<sup>4</sup>

As we shall see now (§ 43), Nikāya was not the only constitutional designation for the community borrowed by Buddhism. *Samgha* itself was borrowed.

<sup>1</sup> Kātyāyana points out that Pāṇini's IV 3 127 will apply to township called *Ghaṭā* also, चौपण्डणमयि कर्त्तव्यम्, (Bhatloji Dikshita). This leads us to the inference that townships or municipalities also had their corporate symbols or arms. Such arms have been recognised, e.g., in the Sargaura plate. Fleet, J.H.A.S., 1907, p. 528. Now their technical name, lakshana, is disclosed by the grammar.

<sup>2</sup> रुचे चानौदराधये ॥ २ ॥ ३ ॥ ४ ॥ With this S III, 386 should be read. The latter refers to Samgha as Pāṇini understood and defined it, a political samgha, a gaga.

<sup>3</sup> See the previous Sātra III. 3. 41 निवासविनिर्वाहरीयसमाधानिवादिष्व क ॥

<sup>4</sup> Kāśikā on Pāṇini, VI 2 94 (p. 559) Pāṇini's rule is about the proper names of Nikāyas, समासो विनिर्वाहयो ।

## CHAPTER VI

### Republican Origin of Buddhist Samgha and Republics in Buddhist Literature (500-400 B.C.)

§ 43. The Buddha was born in a republican people.

*Buddhist Samgha  
borrowed from  
Political Samgha*

He had Samgha neighbours around him, and he grew up amongst them. He called the community which he founded "Bhikkhu Samgha," or 'the Republic of Bhikshus.' He, probably following his contemporary teachers, adopted the name as well as the constitution of the political Samgha in founding his religious Samgha; and this was a reason why his religion and monastic organisation lasted so long. From the words of the Buddha himself, as reported in the Pāli sūtras,<sup>1</sup> the historical connection between the political and religious Samgha-constitutions can be demonstrated. When the 'Chancellor of Magadha,' deputed by the King of Magadha, wanted to know the opinion of the Buddha, on behalf of his master, as to the advisability of invading the Vajjis (the Vrijis of Pāṇini)—the Licchavis and Videhas,<sup>2</sup> the Buddha addressed his reply (not to the Chancellor, but to his foremost disciple) in these words —

"Have you heard, Ānanda, that the Vajjians often  
"hold full and frequent assemblies."

To this, Ānanda replied in the affirmative. The Buddha put such seven questions relating to the Constitution of the Vajjians, intended to be heard by the Chancellor. The

<sup>1</sup> *Dighanikaya, Mahāparinibbāna Suttanta* Trans. adopted from Rhys Davids, *Dialogues of the Buddha*, Pt. II, pp. 79-85. Cf. *S B L.*, Vol. XI, pp. 36.

<sup>2</sup> For details regarding them, see below.

verdict of the Buddha may be summed up in his own words as follows —

- (1) "So long, Ānanda, as the Vajjians hold {full and frequent assemblies }
  - (2) "So long as they {meet together in concord and rise in concord and carry out Vajjian business in concord} (Vajjikaraniyāni—Vajjian acts of state)
  - (3) "So long as they {enact nothing not already established, abrogate nothing that has been already enacted and act in accordance with the ancient institutions} of the Vajjians, as established in former days
  - (4) "So long as they honour and esteem and revere and support the Vajji Elders, and {hold it a point of duty to hearken to their words }
  - (5) "So long as no women or girls belonging to them are detained among them by force or abduction [i.e., law and not force reigns]
  - (6) "So long as they honour and esteem and revere and support the Vajjian Chaityas (sacred monuments) [i.e., follow the religion established]
  - (7) "So long as the rightful protection, defence and support shall be fully provided for the Arhants amongst them [i.e., follow the established practice and keep out Brahminic religious systems]
- "So long may the Vajjians be expected not to decline but to prosper "

Hearing this, the Chancellor murmured 'the Vajjians cannot be overcome by the King of Magadha' The only possible policy was to create disunion (mithubhedā)

As soon as the Chancellor had taken leave of the Buddha, the Teacher called a meeting of the Bhikkhusaṃgha in the Hall, and addressed them

"I will teach you, O Mendicants, the seven conditions of the welfare (of a community) "

And he repeated the very seven conditions (with necessary modifications) which were the features of the practice of the Vajjians and which were well-known, as testified to by Ānanda

- (1) "So long as the Bhikkhus meet together in full and  
"frequent assemblies
  - (2) "So long as they meet together in  
"concord and rise in concord and carry out in  
"concord the duties of the Order (Samgha)
  - (3) "So long as the Bhikkhus shall establish nothing  
"that has not already been prescribed, and  
"abrogate nothing that has already been  
"established and act in accordance with the rules  
"of the Samgha now laid down
  - (4) "So long as the brethren honour and esteem and  
"revere and support the Elders, the Fathers  
"and the Leaders of the Samgha, and hold it a  
"point of duty to hearken to their words
  - (5) "So long as the brethren fall not under the influence  
"of that craving
  - (6) "So long as the brethren delight in a life of solitude
  - (7) "So long as the brethren so train their minds
- "So long the Bhikkhus may not be expected to decline but to prosper"

§ 44 { The history of the birth of the Buddhist Samgha is a history of the birth of the Monastic Order in the world. This history, therefore, of the birth of the religious brotherhood of the Buddha from the constitutional womb of the Indian Republic is of interest not only to this country, but to the world at large }

{ It was a case of borrowing no doubt, but, at the same time, there was an original idea behind it which only a great mind could conceive. The originality consisted in transferring the constitution of a political corporation to religion, and

conjuging up an organisation to perpetuate the being of that religion.

§ 45 The republics which engage the attention of Buddhist Literature were the states amongst whom the Buddha arose and lived. They covered the land to the east of the kingdoms of Kosala and Kausāmbī and to the west of Anga from the districts of Gorakhpur and Ballia to the district of Bhagalpur, to the north of Magadha and the south of the Himalayas. They were the States of —

- (a) the Śākya, with their capital at Kapilavastu in the district of Gorakhpur including their close neighbours
- (b) the Koliya of Rāmagrāma,
- (c) the Licchavis, with their capital at Vaiśālī modern Basādh, in the district of Muzaffarpur,
- (d) the Videhas, with their capital at Vithilā (in the district of Darbhanga) [the last two were conjointly called the Vrijis or Vajjis'],
- (e) the Mallas, who covered a large area to the south of the Śākyas and the Vrijis, from the district of Gorakhpur to that of Patna, divided into two units, with their capitals at Kuśinagara (Kusinārā) and at Pāvā,
- (f) 'the Moriyas of Pippalivana,' and (g) 'the Bulis of Allakappa' who were minor communities' [they played no important part in the history of Buddhism, they were neighbours of the Mallas of Kuśinagara but their exact territories are not known<sup>1</sup>], and

<sup>1</sup> Mr Pandey tells me that the Thāras call the Aryan population of Champarnā Bajis [See now J. B. O. R. S. vol vi p. 261]

<sup>2</sup> For (a) to (g) see Mahāparinibbāna Suttanta, §§ VI 21 27. Also Davids *Dialogues of the Buddha* pp 11 170 200

<sup>3</sup> *Buddh in India* pp 22 23 *Jataka* III 167

(h) the *Bhaggas* (*Bhargas*) who were neighbours of the kingdom of the *Vatsas* of *Kausāmbī*.<sup>1</sup>

Politically, the most important of the group were the *Vrijis* and the *Mallas*. The former are noticed both by *Pāṇini* and *Kauṭilya*. The *Bhaggas* were next-door neighbours of the *Vatsas* to the east, both according to the *Mahā-Bhārata* and the *Pāli* records (*ante* § 35, n.). Their seat was evidently a hill fortress (*Simsumāra Hill*), somewhere in or about the district of *Mirzapur*. *Pāṇini* found them an independent *Janapada* or a political 'nation,' important enough to be placed at the head of the eastern communities as the *Yaudheyas* headed the *Punjab* list. It seems that in the latter days of the *Buddha*, they passed under the sway of their neighbour, the king of the *Vatsas*, whose son *Bodhi* was ruling over them, according to the *Jātaka* and the *Vinaya*.<sup>2</sup> They were yet a separate unit.

The *Śākyaas* were the community wherein the *Buddha* was born, being the son of the President of the *Śākya gana*. They were under the suzerainty of the king of *Kosala*, and their independence was destroyed in the life-time of the *Buddha* by the king of *Kosala*. Their council seems to have been composed of 500 members.<sup>3</sup> The *Śākyas* are said to have had a law that each citizen could have only one wife.<sup>4</sup>

§ 46. I cannot do better than quote here the description of the administration procedure of these republics as typified by that of the *Śākyan*, so well summed up by *Rhys Davids*, the foremost authority on *Buddhist literature*. In view of the results of a special study of the republican organisation, I differ from that great scholar when he calls them 'clans'. The

<sup>1</sup> B I, pp 8, 9, 22

<sup>2</sup> J III 157, V 2 127 4, 199 198 ; B I p 8

<sup>3</sup> See § 46, n

<sup>4</sup> *Rockhill, Life of the Buddha*, ch 11 pp 14 15



evidence does not warrant our calling them 'clans.' Indian republics of the seventh and sixth centuries B. C., as we shall see in sequence, had long passed the tribal stage of society. They were states, Gaṇas and Saṃghas, though many of them very likely had a national or tribal basis, as every state, ancient or modern, must have.

"The administration and judicial business" [says Prof. Rhys Davids<sup>1</sup>] "of the clan [correctly speaking, 'the state'] "was carried out in public assembly, at which young and old "were alike present, in their common Mote Hall (*Santhāgāra*)" "at Kapilavastu. It was at such a parliament, or palaver, that "King Pasenadi's proposition (B. I., p. 11) was discussed. "When Ambaṭṭha goes to Kapilavastu on business, he goes to "the Mote Hall where the Sākiyas were then in session." And "it is to the Mote Hall of the Mallas that Ananda goes to "announce the death of the Buddha, they being then in session "there to consider that very matter."<sup>2</sup>

"A single chief—how, and for what period chosen, we do "not know—was elected as office-holder, presiding over the "sessions, and, if no sessions were sitting, over the State. He "bore the title of *rāja*, which must have meant something like "the Roman consul, or the Greek archōn. We hear no- "where of such a triumvirate as bore corresponding office "among the Licchavis, nor of such acts of kingly sovereignty "as are ascribed to the real kings mentioned above. But we

<sup>1</sup> B. I., p. 19

<sup>2</sup> [Skt. *Samsthāgāra*, lit., the House of Communal Law]

<sup>3</sup> Ambaṭṭha Sutta, translated in "Dialogues of the Buddha," I. 113 [I may quote the passage—'Once, Gotama, I had to go to Kapilavastu on some business or other of Pokkharasādi's, and went into the Sākya's Congress Hall. Now at that time there were a number of Sākyas, old and young, seated in the hall on grand seats.' The *Lalitavistara*, mentioning similar sessions of the Sākyas, 'has the Sākya-gaṇa in session'—सर्वे शाक्यगणं सन्निपत्यैव सीमासन्ते राजा प्रदीदन्.....शाक्यगणेन सर्वे सज्जामारि निषकोद्भूत (XII p. 115 Bib. Ind. ed.) The *Sākya-gaṇa* probably had 600 members (XII). The significance of 'Old and Young' members probably is that the Elders and ordinary members were both present.]

<sup>4</sup> M. P. S., 623

"hear at one time<sup>1</sup> that Bhaddiya, a young cousin of the Buddha's was the rāja ; and in another passage, Suddhodana, the Buddha's father (who is elsewhere spoken of as a simple citizen, Suddhodana Sākiyan), is called the rāja."

§ 47 The Jātaka calls the Lichchhavi rulers 'gana-rulers' or republican rulers.<sup>2</sup> The constitution of the Lichchhavis to which Professor Rhys Davids has alluded is detailed in a later document, the *Aṭṭha-kathā*.<sup>3</sup> It mentions three highest officers, the President (Rājā), the Vice-President (Upa-Rājā) and the Generalissimo (Senāpati). An early authority (Jātaka, I, p. 501) adds a fourth officer: the Chancellor of the Exchequer (Bhaṇḍāgārika). There is no doubt that these were the four highest administrative officers and that they composed the cabinet or executive authority. The Jātaka says that the government was located in the city of Vaiśālī which had a system of triple fortifications. The rule (rājjanam) vested in the inhabitants (vasantānam), 7707 in number, all of whom were entitled to rule (rājūnam, 'kings'). They became Presidents (rājāno), Vice-Presidents (Upa-rājāno), Commanders-in-Chief (Senā-patino) and Chancellors of the Exchequer.<sup>4</sup> What the Jātaka means to say is that the 7707 of the inhabitants, probably the foundation families, were the ruling class, that it is they who became (honti, 'become') the executive office-holders. The total population was much larger, divided in outer and inner citizens ('Vaisaliens'), 1,68,000 in number.<sup>5</sup> The rulers (gana-rājās) underwent the ceremony of consecration by anointing.<sup>6</sup>

<sup>1</sup> Vin, 2 181

<sup>2</sup> Jātaka, IV 148 'Vesālīnagare gana-rājakulānam abhiseka pakkharanāṃ'

<sup>3</sup> Turnour, *Journal of the Asiatic Society of Bengal*, VII (1838), p. 993, et seq.

<sup>4</sup> तस्य निश्चालं रज्जं कारित्वा वसतानं येन राज्ञं सप्तसहस्रानि सप्तसप्तानि सप्त च [.] राजानो षोडशिका, ये च उपराजानो तप्तका सेनापतिनो तप्तका, तप्तका भंडागारिका J, I. 504

<sup>5</sup> Mahāvastu, *Triṣakunīya J*, ed. Senart, I, pp 256, 271 [MIV. and LV. being works of cir 100 B C, are not so old as the Pāli canon, but their tradition is old]

§ 48. According to the *Aṭṭha-kathā* when the Vaisālīans came to their House of Law (parliament), the tocsin used to be sounded at their House of Law<sup>1</sup>. In the parliament of these rulers, they discussed not only matters political and military, but also agricultural and commercial.

A Buddhist book describes the *Lechchhavi gaṇa* in session appointing a *Mahattaka* or a distinguished member to be the envoy, charging him to deliver a message on behalf of the *Lechchhavis* of *Vaiśālī*, i. e., the *gaṇa* transacted business on behalf of the whole people<sup>2</sup>.

A parody of their constitution is thus given in another Buddhist book "amongst them (the Vaisālīans) the rule of "having respect for the high, the middle ones, the oldest, the "elders is not observed; every one considers himself to be "the *rājā*, 'I am the *rājā*, I am the *rājā*' No one becomes a "follower of another" Evidently in their councils every member had an equal right of speech and voting; and every one wanted to be the next president.<sup>3</sup>

§ 49 The President was also the highest judicial authority. There was a Judicial Minister who could be even an outsider, a paid officer<sup>4</sup>. Liberty of the citizen was most jealously guarded. A citizen could not be held guilty unless he was considered so by the *Senāpati*, the *Upa-rājā* and the *Rājā*, separately and without dissent.

A careful record was kept of the decisions of the President on the 'rolls' (*Paveni-pattakāṇ*) in which the particulars of crime and punishment awarded to the citizens, found guilty, were entered. Preliminary enquiry into the case

<sup>1</sup> Turnour, I A S B VII, pp 994-5

<sup>2</sup> MV, i 254 वैशालीकाणां निवृत्तिवृत्तिं वचनेन

<sup>3</sup> *Lalitavistara ch iii*, नीच-मध्य-उच्च ज्योतिषपालिका, एकेक एव मन्यते अहं राजा अहं राज्ञि । न च कस्यचिद्विषयस्य प्रमदमति ...

<sup>4</sup> Turnour *ibid*

system of justice as preserved in Sanskrit literature. In the opinion of the author of the *Mahā-Bhārata*, criminal justice in a republic should be administered by experts through the President (नियह पण्डितैः कार्यः क्षिप्रमेव प्रधानतः),<sup>2</sup> that the Elders of the Kula Court (= Kulaka) were not expected to connive at an offence. Bhṛigu, enumerating different judicial authorities, implies that in the case of a *gaṇa* the deciding body was called Kulika and also Kula.<sup>3</sup> Kātyāyana uses *Kula* in the sense of a jury.<sup>4</sup> The *Ashṭa-Kulaka* thus would signify a judicial council of eight members, and not, as heretofore interpreted, 'Representatives of eight clans.'

§ 51 The Videhas and the Lichchhavis were, according to Buddhist documents, united in a league and they were together called the *Samvaggiis* (lit, 'the Vajjians together').<sup>5</sup> The two Vajji republics,

Federal Council

<sup>1</sup> Tūrnour, J A S E, VII, pp 993 4

<sup>2</sup> Śānti P, Ch 107, 27 See below, § 129

<sup>3</sup> Viramitrodaya, p 11 See quotation in chapter on *Paura* below, Ch xxviii, § 255

<sup>4</sup> बह्विभिः, स्यात् कतिपयैः कुलभूतैरधिष्ठितम्, quoted in V M, p 41

<sup>5</sup> Cf. Rhys Davids' *Buddhist India*, p 22 Tūrnour, J A S B, VII, 993n

<sup>6</sup> *Buddhist India*, p 23

§ 48. According to the *Atthakatha* however, were not only Lichchhavis once had confederacy existed in 545<sup>1</sup> or 527 B.C.) The posed of eighteen and nine 'Mallak Council are designated to a federal Council are designated Rājaka to a federal Council are designated

A Buddhist book describes the session appointing a *Mahattaka* or a be the envoy, charging him to deliver a message of the *Lechoucil* vis of *Vaisāli*, i.e., the transacted of *Amarasimha* of the whole people?

These 'eighteen confederate' on is thus given in another them, are placed by the Jainas (the *Vaisālians*) the rule of area At the time of the death of the *Maurya*, the empire of Kosala was called the *Kāśi-Kosala*<sup>4</sup> The *Jaina Sūtra* is much younger in date than the *Pāli Canon*, and if the *Jaina* book has not made a mistake in its location, its description would imply that the Federal Council was in some sort of political alliance with the Kosalan monarchy, for there is no evidence of a Kosalan suzerainty. The republics were certainly on bad terms with *Magadha*, and *Magadha* was the deadly rival of *Kosala*: according to the *Atthakatha*, the *Vaisālians* lost one great battle with *Ajātasatru*, Emperor of *Magadha*. The leagues naturally were formed to oppose the great powers between whom they were situated.

§ 52 The composition of the Federal Council shows that the federal states had equal votes, that the federation was based on terms of equality. The *Mallas* were not so great a political power as the *Lichchhavis*, yet in the Federal Council both had evidently equal voice

<sup>1</sup> *Kalpa Sūtra*, 128

<sup>2</sup> *J BORS*, I. 103

<sup>3</sup> *S.B.E.*, XXII, p. 266.

<sup>4</sup> Cf. *Kāśi-Kosala*, *Patañjali* (Kielhorn), II p. 280 (2nd ed.).

## CHAPTER VII

### Republics in the Arthasastra (325-300 B.C.)

§53 {The Arthasāstra of Kauṭilya deals with the characteristics of Saṃghas and the Imperial policy towards them.<sup>1</sup> They were still important, although a decline had set in owing to the rise of large monarchies and Alexander's invasion, the latter having discredited small sovereignties and emphasized the importance of large States (§ 64). Kauṭilya divides Saṃghas, as we have already seen, into two classes. One of them was the class whose Consuls bore the title of Rājā or 'king.' As he contrasts them with the other class, he implies that the latter had no provision for this title and did not allow it. Such constitutions are known to have existed from the evidence of coins.<sup>2</sup> Amongst the former class whose rulers bore the title, Kauṭilya enumerates—

- (1) the Lichchhivikas,
- (2) the Vrijikas,
- (3) the Mallakas;
- (4) the Madrakas,
- (5) the Kukuras,
- (6) the Kurus,
- (7) the Pāṇchālas, and 'others.'

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<sup>1</sup> Cf. XI. 376-79

<sup>2</sup> See discussion below, ch. xvii, on the coins of the Rājanyas, the Yaudheyas, the Malavas, the Arjunayanas, etc.

The Kāśikā, in connection with rule V. 3 114 of Pāṇini, points out that Mallaś are not subject to the rule because they are not 'military'.<sup>1</sup> There is therefore agreement between Kautilya and grammatical literature with regard to the character of the Mallaś. As to the Licchavis, we know from Buddhist sources<sup>2</sup> that they called their Consul 'the Rājā'. Apparently, Kautilya, by mentioning the Licchavis separately, means by the term Vrijis the Videhās only. Pāṇini gives a special rule for the formation of Madrakā and Vrijikṛ,<sup>3</sup> which forms we find in the Arthasāstra. The Kurus, according to Buddhist records,<sup>4</sup> had become weak as a kingdom, in the time of the Buddha. According to the Mahābhārata, the Purāṇas and the earlier authorities,<sup>5</sup> the Kurus had been in earlier times under monarchy. Their adoption of republican constitution must, therefore, be dated after the Buddha and before Kautilya. The Videhās also had been in early (Vedic) times a monarchy. In the time of the Buddha, however, the Videhās had adopted republican constitution. The Videhās are treated as a republic by Patañjali also.<sup>6</sup> The Pañchālas in Buddhist books are found divided into two kingdoms. But Kautilya mentions them as a republic. Patañjali also finds them a republic.<sup>7</sup> The change in their constitution must have come after the death of the Buddha. The Uttara (Northern) Madraś, according to the Aitareya Brāhmaṇa, originally had a constitution where the whole country, as opposed to a king, was solemnized as the sovereign.<sup>8</sup> The other portion of the

१ आशुविजयेविद्वत्सं विम् । मङ्गा १ । ४७

U.S. AIR FORCE

\* 18 2 131 मद्रास १ नम, १

\* *Playa Lavilla Real y de Indulgencia* 27

\* The Aitareya Brāhmana, in defining illustrations of monarchical nations, cites the

\* 1991-1992

[illegible]

Madras, or the Madras proper in the time of Kautilya, if not earlier, had the king consul constitution

§ 54 The political history of the L i c h c h h a v i s is too well known to be repeated here<sup>1</sup> They were very powerful They survived the Ś r i s u n ā k a and the M a u r y a empires and helped in building up the G u p t a empire They founded a curious constitution in N e p a l which we shall have occasion to discuss later

The Mallas do not live so long. They disappear in the time of the Mauryas, or a little later, as a republican community, though individual Malla families rise up now and then, in Tirhut and Nepal, up to the eleven centuries and even later.<sup>3</sup> The modern representatives of the Mallas are the Malla caste in the districts of Gorakhpur and Azamgarh<sup>4</sup>, generally given to trade. It is a common phenomenon in the career of Indian republics that when the republicans lost their political power they still retained their commercial intelligence and turned into traders.<sup>5</sup> The Pañchāla survived the Mauryas, for they are mentioned by Patāñjali. But the Kurus as a state succumbed. The Kukuras according to the Mahā Bhārata were a member of the Andhaka-Vrishni league. Some of the members of the league apparently observed the king's council constitution, while others did not. The Kukuras are mentioned in inscriptions of Western India towards the close of the first century B.C.<sup>6</sup>

<sup>1</sup> As to their allelic frequency, the three related polymorphisms are discussed below. Cf. AM.

\* They do not remain in Kāṭyāyana's Patañjali

See Lévi *Le Nepal* II pl. 210-213

\* Cf. H. 1a, lxx, 1 BOI &amp; 1 D II. In Mella

\* On the examples are the Kharosthi of Saurashtra (the  $\Delta$  and  $\gamma$  of the Greek) and the Aramaic of the Pahlavi (which represent the ancient  $\Upsilon$  and  $\tau$ ).

\* Fed. Ind. VIII 53 44 v<sup>1</sup> sec § 5<sup>th</sup> n<sup>o</sup>



Nation-in-arms  
Republics.

§ 55. The other class of Kauṭilya's<sup>1</sup> republics is illustrated by—

- (1) the Kāmbhōjas,
- (2) the Surāshṭras,
- (3) the Kshatriyas,
- (4) the Śrenis, and 'others.'

This class, by implication, had no king-consul. The other chief feature of their constitution was that they emphasized on their citizens the duty to acquire military skill. In other words, they had a citizen army. Each state was a nation-in-arms. Conversely, the other class, where the 'king'-consul constitution obtained, probably had, like monarchs, a regular or hired (standing) army. The nation-in-arms class, however, did not become purely military, for their constitution also required their citizens to devote attention to industry and agriculture (vārttāśāstropajīvaṇḥ). Hence they were found rich as well as strong.

§ 56. The Kshudrakas and the Mālavas, who were the most prominent amongst these martial republics, are not mentioned by Kauṭilya. Probably they had already come under the imperial sway. The martial republics named in the Arthashastra are headed by the Kāmbhōjas. They were in eastern Afghanistan. They are mentioned in Aśoka's inscriptions as a community next to the Gandhāras.<sup>2</sup> According to Yāska, their mother-tongue was Sanskrit with certain bases which seem to have been imported from the Iranian neighbours.<sup>3</sup> They are known to Pāṇini for he gives a rule<sup>4</sup> for the derivative to denote their king. This would indicate that Pāṇini is referring to a monarchy. But the special rule

<sup>1</sup> काभोज दुराह-वचिष येत्यादयो वार्तामन्वीपजीविन (AS, xi 1.160, p 376)

<sup>2</sup> See below, ch. xvii

<sup>3</sup> II i 3, 4, मरतिर्गतिकर्ता कन्वीजिथेष मायते, कन्वीजा कव्वलभीजा कसनीमभीजा वा कव्वल. कसनीयो मरति विकारमण्ययेषु मायते मर इति Cf the Persian root *shūdan*, 'to go.' See J R A S, 1911, 801.

<sup>4</sup> IV. 1. 175.

and the exceptional form of the derivative raise a doubt as to whether the 'rājā' of the Kāmbojas was a monarch or a consul. In the time of Kautilya, their constitution certainly did not admit of even a titular 'king' The Bhōjas, as we shall see hereafter, were a class of non-monarchical rulers 'Kāmbojas would literally mean 'Inferior Bhōjas.'

§ 57. The Surāshṭīas (Su-rāshtra, *lit.* 'good realm') were in Kathiawar. Their name still lives in modern Sorāṭha. They seem to have survived the Mauryan imperialism, as they figure in the inscriptions of Bala Śrī (about 58 B.C.) and in the Junagadh inscription of Rudradāman (2nd century A. C.)

§ 58. The other two states—the Kshatriyas and the Śrenīs—appear as neighbours in Sind in the records of the Macedonian writers. The Kshatriyas are called by them Xathroi. European scholars have taken it as a caste denomination, that it is a proper name of a political body is now disclosed by the Artha Śāstra. Ptolemy also mentions the nation or community Xathroi. Various terms have been used by Classical writers to denote what seems to be Agra-Śrenīs or the First Śrenīs. Apparently, the Śrenīs were sub-divided into internal units, and the one which came in contact with Alexander was that of the "First

<sup>1</sup> Pāṇini spells it as Kāmboja, as does Yaśka. But Yaśka derives it from *khuj*. The Rāmāyana (I 55 2) and the Artha Śāstra have Kāmboja and Kāmboja, respectively. The former indicates Iranian or Parthian influence.

<sup>2</sup> *Ep. Ind.*, Vol. VIII p. 44. The date is based on my own theory of chronology and identification of Vikrama with Gotamiputra Śātakaṛṇi Śātavāhana (*J.B.O.R.S.*, I 101 *Beahman Empire* (Express, Patna, 1914) *Modern Review* 1914. The date assigned by other scholars to this inscription is over a century later.

<sup>3</sup> *Ep. Ind.*, Vol. VIII p. 60.

<sup>4</sup> Arrian, Bk. VI ch. VI.

<sup>5</sup> See McCrindle, *Ancient India Its Invasions by Alexander the Great* § 37. The names are Apalapati, Agastius, Agastius, Agastius, Agastius etc.

Śienis” Such divisions seem to have existed among the Yaudheyas, whose coins, marked “2” and “3,” have been found.<sup>2</sup>

The Xathroi or the Kshatriyas seem to survive in the numerous caste called the *Sindhi Khatris* (the Khatris of Sindh), a handsome race occupying the neighbourhood of the site indicated in the Greek writers as the territory of the Xathroi. The *Khatris* of the Punjab may also represent them.

§ 59. I may here point out that the translator of the Artha-Śāstra has fallen into an error in translating the passage ‘*Kāmbhoja Surāshtra-Kshatriya-Śreni-ādīyah*’ as “the corporations of warriors (Kshatriya Śreni) of Kāmbhoja and Surāshtra and other countries.” The rendering is against grammar; ‘*ādīyah*,’ ‘and others,’ excludes the possibility of a description coming in the group just preceding. If Kāmbhoja is a proper name, the rest, up to ‘*ādīyah*,’ must be proper names. The description really comes after the enumeration closed with ‘*ādīyah*,’ in *vārtta-śāstrapāṭvinaḥ*. Both in view of our identification and grammatical considerations, the translation is unacceptable. There is yet another error to be avoided, viz, taking ‘Śreni’ here to mean a guild. If *vārtta* (industry and agriculture) refers to alleged guilds (Śrenis), it ought to have been placed after, not before, *śāstra*, as Śreni is the last, coming after *Kshatriya*, in the group.<sup>3</sup>

<sup>1</sup> It is, however not impossible that Agrasreni of Alexander has been abbreviated as Śreni by Kautilya.

<sup>2</sup> Cunningham *Coin of Ancient India* p. 78.

<sup>3</sup> Shama Sastri, *Kautilya's Artha Śāstra* p. 465.

<sup>4</sup> Cf. the expression *Śāstra-Vārttāḥ* used by Varāha Mihira (महाराजसमस्तकुलजनानामिदं शास्त्रीयवृत्तिरुक्तं अथवा, Pt. I, v. 39) where the two characteristics have to be taken as applying to the same communities. See also §§ 72, 33 above.

## CHAPTER VIII

### Hindu Republics in Greek Writers (C. 325 B.C.)

§ 60. { The historians of Alexander's campaign have described a number of states as 'free,' 'autonomous,' or 'independent,' by which they mean republican. McCrindle recognises the significance of the expression 'independent' but as he was ignorant of the fact of Indian republics, he thought that it referred to 'the Indian village system: "Each of its rural units they (Greeks) took to be an independent republic."<sup>1</sup> But the Greeks never mistook a village *panchāyat* for a republic; they treat the communities as states and not as village-units. They fought them, they negotiated treaties with them, they recorded details of their constitutions: the Greeks knew them too well to make a mistake of the sort suggested by McCrindle. Then, the Greeks may be trusted for their discrimination in matters constitutional. There cannot be any room for doubt or controversy if we see what Megasthenes, the Greek envoy at the court of Chandragupta Maurya has to say. He was not a passing raider like Alexander's companions but an observer of several years. } He divides the country into two forms of government—monarchical and republican:—

"They report every thing to the king where the people have a king, and to the magistrates where the people are self-governed."<sup>2</sup> }

<sup>1</sup> *Invasion of India by Alexander*, p 115, n

<sup>2</sup> McCrindle, *Megasthenes*, Arr. XII Cf also "The councillors of state...who advise the king, or the magistrates of self-governed cities, in the management of public affairs." *Ibid.*, p 212.

Śrenis” Such divisions seem to have existed among the Yaudheyas, whose coins, marked “2” and “3,” have been found.”

The Xathroi or the Kshatriyas seem to survive in the numerous caste called the *Sindh Khatri* (the Khatri of Sindh), a handsome race occupying the neighbourhood of the site indicated in the Greek writers as the territory of the Xathroi. The *Khatri* of the Punjab may also represent them.

§ 59. I may here point out that the translator of the Artha Śāstra has fallen into an error in translating the passage ‘*Kāmbhoja Surāshtra Kshatriya-Śreni ādayah*’ as “the corporations of warriors (Kshatriya Śreni) of Kāmbhoja and Surāshtra and other countries.” The rendering is against grammar, ‘*ādayah*,’ ‘and others,’ excludes the possibility of a description coming in the group just preceding. If *Kāmbhoja* is a proper name, the rest, up to must be proper names. The description really comes enumeration closed with ‘*ādayah*,’ in *vārttā śāstra*. Both in view of our identification and grammatical considerations, the translation is unacceptable. The another error to be avoided, viz., taking ‘Śreni’ here to guild. If *vārttā* (industry and agriculture) refers to guilds (Śrenis), it ought to have been placed after, not *śāstra*, as *Śreni* is the last, coming after *Kshatriya*, a group.”

<sup>1</sup> It is however not impossible that Alexander or his associates were identified as Śreni by Kautilya.

<sup>2</sup> Cunningham *History of Ancient India* p. 78.

<sup>3</sup> Shama Sastri, *Kautilya's Artha Śāstra* p. 455.

<sup>4</sup> Of the expression *Śāstra Vārttā* used by Varaha Mihira (ब्रह्म संहिताद्वयानि शास्त्रोक्तानि विवक्ष्यते) Br. S., v. 39) where the characteristic is not taken as applying to the same community. See also §§ 33 above.



not *Kathai*. Again, we must not forget that for *Kshatriya* the very writers give *Kathroi*. *Kathaiia* stands for the country of the *Kaṭhas* and the *Kathaioi* for the *Kaṭha* people, as already suggested by Dr Jolly.<sup>1</sup>

§ 62. Before reaching the Kathaians, Alexander had already encountered several independent Indian nations or republics, on the banks of the Ravi (Arrian, V. 21)

A little away from the Ravi with their capital at what the Greeks called *Pimprama* were the community spelt as *Adrastai*, *Adrestai*, and *Adrestae*. European scholars have proposed to identify them with the famous *Arattas*. But philologically the equation is impossible. They may be identified with the *Arishṭas* of Pāṇini (VI. 2 100) and the *Gana-pāṭha* (on P. IV. 2. 80).<sup>2</sup>

§ 63. Adjoining the territory of the Kathaians there was the state of the *Sophytes* which M. Saubhūti, Sylvain Lévi has correctly identified with *Saubhūti*.<sup>3</sup> But it is not clear whether its ruler was an elected 'king' or a regular monarch.<sup>4</sup> It seems more probable that it was republican.<sup>5</sup> It is found in a republican area with republican associations and characteristics. The *Gana-pāṭha* mentions *Subhūta* in the company of the people of *Sankala*. *Saṅkala*, as we have seen above, was the capital of the republic of the *Kaṭhas*. The *Saubhūti* State extended up to the Salt Range.

<sup>1</sup> SBE, VII, p 15 (Intro) See below, §§ 63-82, 176 on *Kaṭhas*.

<sup>2</sup> McCrindle, *Invasion of India by Alexander the Great* p 116, n

<sup>3</sup> अरिष्टनीडपूर्वेष्वर्ध्वे च ॥ ६ ॥ १०० ॥ which alludes to the Capital of the *Arishṭas*

<sup>4</sup> *Journal Asiatique* VIII 15 p 237ff

<sup>5</sup> Cf §§ 77, 78

<sup>6</sup> The coin of the State struck after Alexander's invasion with a Greek head probably meant to be that of Alexander or his representative, is struck in the national name *Sophytes* McCrindle, *Alexander*, II A, 280, Rāpson, I.C, 3, pl 18

<sup>7</sup> *Gana-pāṭha* on Pāṇini, IV 2 75

Diodorus (XVII, 91) says that the cities subject to the sway of the Seleucids "were governed by laws in the highest degree salutary" and "their political system was one to admire" "Beauty was held among them in the highest estimation." Further, "it follows that the inhabitants of these cities were generally held in higher estimation than the rest of their countrymen." As amongst the Kathaians so amongst the Saubhūtis men and women selected their own consort without reference to dowry. They attached great importance to good looks. This practice was not peculiar to the constitution of the Kathas and the Saubhūtis only. We find the republican Vṛshnis also giving great importance to handsome presence in a republican leader.<sup>1</sup> Amongst the Saubhūtis and the Kathas there was yet another reason for the observance of this rule. "In contracting marriage they do not seek an alliance with high birth, but make their choice by the looks, for beauty in the children is a quality highly appreciated," because in the Saubhūti and Katha States, public authority claimed the right to determine which of the babies born in the State were physically fit to be allowed to grow into citizens.<sup>2</sup> We need hardly recall here that this was also enjoined by the Spartan constitution. This examination amongst the Kathas was made in the second month of the child (Strabo).

Two city-states are further mentioned as republics by Arrian (V. 24) but their names are not given.

§ 64. When Alexander reached the Hyphasis or Beas, he heard that beyond that river the country was "exceedingly fertile and the inhabitants were good agriculturists, brave in war and living under an

A great Republic  
on the Beas

<sup>1</sup> See § 197.7

<sup>2</sup> "Here they do not acknowledge and rear children according to the will of parents but as the officers entrusted with the medical inspection of infants may direct, for if they have remarked anything deformed or defective in the limbs of the child they order it to be killed"—McCordle, *Invasion of India by Alexander the Great*, p. 219. Cf. Dio (p. 290). See Strabo, XV, 30, for the law of the Kathaians, according to which the birth order was pronounced by a magistrate.



'excellent system of internal government, for the multitude was "governed by the aristocracy, who exercised their authority "with justice and moderation" (Arrian, Bk. V 25)' The description tallies with Kautilya's *Vārttagasthōpajīmah*. They were prosperous by agriculture and kept themselves ready for war, fully depending on their own sword. It is unfortunate that the state has been left unnamed. Actual government vested in what the Greeks called an aristocracy. But their parliament consisted of five thousand representatives. The find-spot of Yaudheya coins suggests that this unnamed state on the Beas was probably of the Yaudheyas. Each member of parliament supplied one elephant to the state army. These Indians according to Arrian (V 25), had elephants in greater number and of superior size and courage. As Alexander himself put it, the Macedonians had been 'wont to fight only against small numbers,' "now "for the first time" they had to face really large armies. And they refused to move an inch forward amongst the nations whose very name, according to Alexander, filled his soldiers with terror.<sup>4</sup> There was this unnamed Republic which covered the land on the other side of the Beas. There was also the great army of the Nanda waiting to give reception to the Macedonian, but the immediate cause of alarm was the prospect of meeting the republic beyond the river. Alexander's army "now began to lose heart" and "they began to hold conferences" where people "positively asserted that they would follow no further."<sup>5</sup> It was from the doors of the

<sup>1</sup> McCrindle *I I b, Alexander*, p. 121

<sup>2</sup> All the country beyond Hupamis allowed to be very fertile. They mention also an aristocratical form of government consisting of five thousand Councillors each of whom furnishes the State with an elephant. Strabo *SV* 37 (McCrindle *Ancient India as described in Classical Literature* p. 45)

<sup>3</sup> *IIA* p. 224

<sup>4</sup> McCrindle *III* p. 226

<sup>5</sup> Arrian *V* 25. See McCrindle *I I b, Alexander* p. 121

unnamed republic that the campaign of Alexander assumed the form of retreat

The large number of the members of their council is comparable with the number of the Lachchhavi gana (§ 47)

§ 65 During this retreat Alexander came across a number of republics. In fact, all the States he met on his way back, down the Indus and up to the Indian frontier in Baluchistan, were republican. The most powerful amongst them were the Kshudrakas and the Mālavas. They are spelt by the Greeks as Oxydrakai and Mallor respectively. They were on the Hydaspes, by which the Greeks apparently mean the passage of the Jhelum after its unity with the Chenab. The two states formed one league.<sup>1</sup> Arrian (VI. 4) says that they were the most numerous and warlike of the Indian 'nations' in those parts. "Alexander first reached the nation called the Mallor." Near the Mallor there were their republican friends called the Siboi,<sup>2</sup> whom the Jātakas and Patañjali know as the Sivis and the Śaibyas.<sup>3</sup> The Mallor are called a race of independent Indians (Arrian, VI 6), their cities were along the Chenab and their capital was near the Ravi. It was in the siege of the capital or one of the cities of the Mallor that Alexander nearly lost his life. Owing to the unity of the league, the Greek writers could not decide whether Alexander's narrow escape relates to the city of the Mallor or to that of the Oxydrakai. The strength of the

<sup>1</sup> Cf. the Kshatriya dvandva of the Kaśikā on I. IV. 2. 45.

<sup>2</sup> Curtius IX. 4. There was no king amongst them, only the citizens filled the highest offices (D. I. c. XVII. 6).

<sup>3</sup> J. VI. 45. Kullu in II. 45. The Jātakas find them connected with Kullu (IV. 401), i.e. after they occupied the same locality where the Greeks reported them. In the age of the Jātakas they had become monarchs but for their republican origin, and subsequently migrated to the Jhelum. Patañjali treats Śāibi as the name of a country or state (śāibikāya).

army as given by Curtius, was 1,00,000 "*The Macedonians lost their heart at the prospect of meeting this army.*" "*When the Macedonians found that they had still on hand a fresh war in which the most warlike nations in all India would be their antagonists, they were struck with an unexpected terror, and began again to upbraid the king in the language of sedition.*"<sup>1</sup> These Indians were regarded by the soldiers as "fierce nations" who would not let them proceed without drawing their blood. The fear of the Macedonians was well justified and is attested by the account of the personal calamity of Alexander and the lamentations which followed (IIA, pp. 241-2).

§ 66 The Greek writers with their palpable desire to magnify the glory of Alexander<sup>2</sup> would make us believe that the Kshudrakas and the Mālavas were crushed and annihilated by Alexander. But Patañjali discloses a different story. The former mentions the league as living, and one of them, the Kshudrakas, being victorious.<sup>3</sup> The Macedonian writers themselves describe and admit their existing importance after the war. The two 'nations' sent "*hundred ambassadors*" who "*all rode in chariots and were men of uncommon stature and of a very dignified bearing. Their robes were of linen embroidered with in-wrought gold and purple.*" "*The gods, they said, were the authors of their submission and not fear.*" They were proud of their "*liberty which for so many ages they had preserved inviolate.*" Alexander who was very vindictive against all those who had opposed

<sup>1</sup> Curtius, Bk IX, Ch IV, McCrindle, I I by Alexander, p 234

<sup>2</sup> "*Many fictions also have been recorded by historians concerning this accident, and Fame, receiving them from the original inventors, has reserved them to our own day, nor will she cease to transmit the falsehoods to one generation after another.*" Arrian, Bk. VI Ch 11)

"*Fame is never brought to a clearness in which facts can be seen as they are. They are all magnified when she transmits them. Even our [Alexander's] own glory, though resting on a solid basis, is more indebted for its greatness to rumour than to reality*" McCrindle, I I, by Alexander, p 223.

<sup>3</sup> एकाकिनि सुदक्षिणम्, Patañjali on P V 3, 52, Kielhorn, II, p. 412

him, in spite of the personal suffering to which he had been subjected by these opponents, treated the ambassadors with uncommon hospitality. "He gave orders for the preparation of a splendid banquet to which he invited the ambassadors" ... "Here a hundred couches of gold had been placed at a small distance of each other, and these were hung round with tapestry curtains which glittered with gold and purple" (Curtius, Bk. IX. Ch. 7).<sup>1</sup> Alexander entertained them with shows at which wine flowed. And the "ambassadors were dismissed to their several homes." (Ch. 8).<sup>2</sup> All this does not read like the description of a crushed enemy, but rather of one whose subordinate alliance was welcomed by Alexander after he had tested their valour. Alexander had not only to secure his rear in his retreat but had also to pacify and render confident the 'editious' Macedonians.

§ 67. That they existed before the time of Kātyāyana as a league is proved by his *vārtika* and the comments of Patañjali on Pāṇini *Khaṇḍikādhikāścha* (IV.2. 45). The league did not exist in the time of Pāṇini as he does not provide a form for their united army. Kātyāyana supplied this, and removed what he found in his time a deficiency. Their united names did exist in the Ganapāṭha as it was found by Patañjali, for Patañjali says, "*Kshudraka-Mālava-Sabdaḥ Khaṇḍikādishu pathyate*," "*in the Khaṇḍikā group 'Kshudraka-Mālava' expression is read (found)*." Patañjali quotes an old verse which holds that the Kshudraka-Mālava is not a *gotra* or tribal expression. It also gives a rule of Āpīśaḥ which the author of the verse considers applicable to the Kshudraka-Mālava but the rule itself does not know them.<sup>3</sup>

<sup>1</sup> McCrindle, *II A by Alexander*, pp 248-51

<sup>2</sup> Weber (HIL, p 222, n) misunderstood the whole discussion and put the cart before the horse when he says that Āpīśaḥ regarded them as united and that therefore his successor Pāṇini lived after the union i.e., after Alexander. But both Kātyāyana and Patañjali are supplying the very want which arises on account of Pāṇini's rule—a rule

It is important to notice the composition of the so-called ambassadors who had come to conclude peace with Alexander from the two republics. These were the leading men representing their cities and provinces. "From the

composed at a time when there was no such union. Āpīṣiḥ gives no rule for them and the grammarian who composed the verse quoted by Patañjali is applying a rule of Āpīṣiḥ which had no reference to the Kṣudraka Mālavas. The composer of the verse knew the *turtika* of Kātyāyana. If this exceptional rule had been anticipated before Kātyāyana's time either by Āpīṣiḥ or any one else, Kātyāyana would not have claimed the correction as he does by his *ruṭika*. The whole passage is quoted here for the convenience of those who may care to follow the discussion in the original. The net result is that the league of the Kṣudraka Mālavas did not exist in the time of Pāṇini, though they themselves evidently existed, and that the league was a living institution in the time of Kātyāyana and that of Patañjali. The organization thus evidently outlived the Mauryan empire.

\* खण्डिकादिभ्यश्च ॥ ४ । ९ । ४५ ॥

"अश्वसिद्धिरनुशासनादि कोऽयं बुद्धकमालवान् ।"

अन्दासादेरित्येवाजसिद्ध किमप्यष्टकमालवशब्द खण्डिकादिषु पश्यते । गीतायथो वृजभाषण  
शोधनार्थम् ।

“गीताइ छन च तद्गीत ।”

गोत्राहुजभवतीत्युच्यते न च सुद्रकमालवशब्दो गोत्रम् । न च गोत्रसमुदायो गी.रूपेण गृह्यते । तद्यथा ।  
जनपदसमुदायो जनपदपर्यायेण न गृह्यते । काशिकोसलौघा इति वज्रन भवति ॥ तदन्विधिना प्राप्नोति ।

“तदनाग्नौ स सर्वत ॥ १ ॥

परिगणितेषु कार्येषु तदन्तविधिर्न चैदं तत्र परिगण्यते ॥

“शापक म्यासदत्तत्वे”

एव तर्हि शापयत्याचार्यो भवतीह तदन्वविधिरिति ॥

"तथाचापशस्त्रविधि ।"

एव च कृत्वापिश्लिराचार्यस्य विधिरूपपद्मी भवति ।

धेनुरनञि कसत्पादयति । धेनूना समृद्धी धेनूकम् ।

अनञ्जीति किमर्थम् । अधेनूनां समूह आधेनवम् ॥

“मेनायां नियमार्थं वा ”

अथवा नियमाद्यैर्यमारम्भः । शुद्धकमालवशब्दास्तेनायामिव । क मा भून् । शौद्रकमालवकमन्वदिति ॥

“यथावाञ्छित वाञ्छतुष्ठा ॥ १ ॥”

"Oxydrakai came the leading men of their cities and their provincial governors" They were "entrusted with full powers to conclude a treaty." The representatives of the Malloi are reported to have said that "they were attached more than others to freedom and autonomy, and their freedom had been preserved intact from the time of Dionysius"<sup>12</sup> (by whom the Greeks probably meant Balarāma).

§ 69. It may be noted that the good features and fine, tall physique of these free Indians are particularly noticed by the Macedonian writers. The point is important on the question of the ethnology of Indian republics which we shall consider later (Ch. xxi).

The Mālavas were apparently on the lower course of the Jhelum after its unity with the Chenab, while the Kshudrakas occupied the higher regions.<sup>4</sup>

§ 70 Alexander met in the neighbourhood of the last The Agra-Srenis two republics the Agsinae,<sup>4</sup> who had mustered an army, if we believe Diodorus, of 40,000 foot and 3,000 horse. "They barricaded their narrow streets, fought with great vigour, so that Alexander in pressing the attack lost a few Macedonians."<sup>5</sup>

अथवा आपयथाचार्य पूर्वोक्तिं वृज्ज्वरमलं वाचत इति । ननु चील बोवाडुञ्ज च तदर्थोचमिति । तदन्तर्गतिना प्रायेति । ननुचील तदन्तर्ग स सर्वत इति । आपक स्यादन्तर्ग । एव तर्हि आपयथाचार्यो भवतीह तदन्तर्गतिरिति । कथं पुनरेतदुभयं शब्दं आपयितुं भवति च तदन्तर्गतिः पूर्वय वृज्ज्वरमलं वाचत इति । उभयं आपयत ॥

वृज्ज्वरमलं वृद्धकमालवाग्सेना मन्त्रायाम् ॥ १ ॥

अत्रकारणे वृद्धकमालवाग्सेनासंज्ञायामिति वक्तव्यम् । वृद्धकमालवाग् सेना चेत् । अ मा भूत् । वृद्धकमालवकमलमिति ॥

—Kielhorn, vol II, pp 280-1.

<sup>1</sup> Arrian, Bk. VI Ch. 14 McCrindle, *Alexander*, p 154

<sup>2</sup> *Ibid.*

<sup>3</sup> See the view of V Smith on the location, J. R. A. S., 1903, p. 685

<sup>4</sup> On the identification of this name see *ante* § 58.

<sup>5</sup> Diodorus, BK XVII, Ch. 96 McCrindle *Alexander*, p 235.

According to Curtius when those brave fellows could not further resist the odds, they made, what we know now as Rājput *J a u h a r*, of their wives and children into the flames by setting fire to their houses.<sup>1</sup>

§ 71 European scholars have proposed their identification with the Ārjunāyanas<sup>2</sup> But this is unacceptable on philological grounds The name is a composite of two words, *A g r a* and *Śreṇi*. And the main word is found in Kauṭilya in the list of republics which did not call their president R ā j a n and which were martial<sup>3</sup> There the form *Śreṇi* only appears; the member *A g r a* shows that there were probably more than one unit in the *Śreṇi* (§ 58)

§ 72. The next republic mentioned by the Greeks was *A m b a s h t h a s* that of the *A m b a s h t h a s*, spelt as *Sambaśtai* and *Abastanoi*.<sup>4</sup> "They were a people inferior to none in India, either for numbers or for bravery." Their form of government was "democratic"<sup>5</sup> Their army consisted of 60,000 foot, 6,000 cavalry and 500 chariots "They had elected three generals renowned for their valour and military skill."

Alexander made peace with them having received fifty of the foremost citizens who had come as ambassadors "under the belief that they would be treated with all proper courtesy." It is stated by Diodorus that the embassy was sent on the *Ambashthas* having "adopted the advice of their elders not to fight" This probably indicates that their democratic constitution allowed an Upper House, of Elders.

<sup>1</sup> Curtius, BK IX Ch 4 McCrindle, *Alexander*, p 232

<sup>2</sup> *Ibid* p 367. At that time the Ārjunāyanas state does not appear to have existed It is unknown up to Patañjali, and to the Mahā Bhārata which notices all other republican peoples of the locality we have been dealing with (See *Saṃhāraṇa* LII, 14 15)

<sup>3</sup> See discussion above § 53

<sup>4</sup> Diod, XVII, 102, McCrindle, *Alexander* 292

<sup>5</sup> Curtius, Bk IX Ch. 8 McCrindle, *Alexander*, p 252

§ 73. The Ambashthas as a political community are mentioned by Patañjali and the Mahā-Bhārata.<sup>1</sup> The Purāṇas say that Ambashtha of the House of Aila founded a dynasty in the Punjab.<sup>2</sup> The Purāṇas in giving the early account know them as a monarchical people. The change in their constitution thus was from monarchy to republic like the change in that of the Śibis (§ 65 n.) The Purāṇas say the same about the Yaudheyas, that they too, along with the Ambashthas, were monarchical. But the later monumental history of the Yaudheyas is the history of a republican people. The Purāṇic data therefore must refer to the origins.<sup>3</sup>

§ 74. The next "independent nation" was the Kāthroi Kshatriyas. This restored in Sanskrit will be *Kshatriya*. As I have said above, they are identical with the republic which bore the proper name '*Kshatriya*' as in the Artha-Śāstra. Kautilya places them together with the Śrenis and here also we find the Śrenis as neighbours to the Kshatriyas. As already suggested, the *Sindhi Kshatri* caste, seem to be their modern representative. According to the division of Kautilya they did not have a king consul.<sup>4</sup>

§ 75. The Ossadioi were also an 'independent nation' according to Arrian.<sup>5</sup> No other writer mentions them. Their proposed identification with the Yaudheyas (by Cunningham)<sup>6</sup> is untenable on

<sup>1</sup> On Pāṇini, IV 1 170, cf. Kāśikā, pp 292-3. Patañjali treats *Ambashtha* as the name of a country or state, and its inhabitants he calls *Ambashthyas*.

*Sabhāparvan*, Ch XXXII, Verses 7-9, where they are placed along with the Mālavas. See also Pāṇini VIII 3 97.

<sup>2</sup> Pargiter, *JRAS*, 1914, p 277.

<sup>3</sup> The people who were to the south of the Ambashthas are called *Sodras* by the Greek writers (McCrindle, *Alexander*, p 293). These Sindhi people are identified by Lassen (*Ind Alt* II 144, 177) with *Sodras*. But the form brings it nearer the *Saudras* [*Saudrāyānas*] of the *Gp* on P IV. 2 4.

<sup>4</sup> *AS*, XI, p 376.

<sup>5</sup> Arrian, Bk VI Ch 15, McCrindle, *Alexander*, p 156, Strabo, Bk XV Ch 34.

<sup>6</sup> Cunningham, *A. S. R.*, Vol XIV., p 140.



philological grounds. They seem to be, as suggested by V. de Saint-Martin (McCrindle, *Alexander*, p. 156, n), identical with the *Vasātis* of the *Mahā-Bhārata* (*Sabhā*, LII. 15) who appear there as neighbours of the Kshudrakas and the Mālavas and in a group commencing with the Ambashthas. Kātyāyana and Patāñjali mention the 'country of the Vasātis' along with that of the Śibis (on P. IV. 2. 52). The Ganapāṭha (on P. IV. 2. 53) places them in the group commencing with the republican *Rājanyas* (§ 160).

§ 76. It is not certain whether the next state had a regal or popular constitution. Alexander's MUSICIAN companions admired their constitution and laws. "They regard the excessive pursuit of any art, as war for instance and the like, as wickedness." (Strabo, XV. 34). The realm was reported to be the most opulent in India.<sup>1</sup> The citizens took their meals in common, a practice also mentioned in the Atharva Veda.<sup>2</sup> They did not recognise the institution of slavery (Strabo, XV. 34). It is possible to recover the name of this free people from our literature. The identification, proposed by Lassen,<sup>3</sup> with the Mushikas cannot stand. The Mushikas were below the Sahya or the Vindhya.<sup>4</sup> *Mousikanos* seems to stand for what we have in the *Kāśikā* (p. 313, on P. IV. 2. 80) as *Muchukapā* to denote

<sup>1</sup> McCrindle, *Ancient India as described in Classical Literature*, p. 41.

<sup>2</sup> न्यायसूत्रनिर्णयः मा वि द्योऽसंख्येयं सधुःखरत्नम् । अन्योऽन्यको वन्मृगं वदन् एतं समीचीनात् संमनसकुर्यात् ॥ ५ ॥ समानीं प्रया सद्धर्मात्मानं समाने धीने सद्धर्मे युजन्मि ।... ॥ ११२०५—६ ॥

"Following your leader, of (the same) mind, do ye not hold yourselves apart !  
'Do ye come here co-operating guns along the same wagon pole, speaking agreeably  
'to one another' I render you of the same aim, of the same mind

"Identical shall be your drink, in common shall be your  
'share of food' I yoke you together in the same traces "

—Bloomfield, *S. B. E.* Vol. xli, p. 134

<sup>3</sup> McCrindle, *IIA*, p. 157 n.

<sup>4</sup> Jaysawal, *Hathigumpha Inscription of the Emperor Kharavela*, J. B. O. R. S., Vol. IV p. 376

the proper name of a country (*Mauchikarṇika*). The spelling of the word is corrupt in the printed Gaṇapāṭha, but the Kāśikā reading is supported by Vardhamāna in his Gaṇa-Ratna-Mahodadhī' (IV 285) who gives it on the authority of Śakatāṅga. Another reading seems to have been *Muchikarṇa*<sup>2</sup> (corrupt *Suchikarṇa*, G. R. M., p. 174)

[The neighbouring-states of Sambos and the Priesti (probably the Prasthalas of the Mahā-Bhārata<sup>3</sup>) are also described as kingdoms]

§ 76A The city of 'the nation called Brachmanoi' (Arian, VI. 16; Diodorus, XVII, CII), also mentioned as the 'country of the Brachmans' (Dio. XVII. CIII) was next reduced by Alexander. This seems to have been identical with what Patañjali calls Brāhmaṇako nāma Janapadaḥ (II. p. 298) 'the country (state) called Brāhmaṇaka.' Janapada here is in the same sense as in Pāṇini and on the coins, i.e. a politically self-contained country or a state. The Greek idea of the identity of tribe and state is so strong that on account of the existence of a state the citizens are turned into a tribe as in the cases of all other independent cities and states in the Punjab and Sind, while Indian authorities, contemporary with the states in question, treat their names as derived from 'countries', e.g. Pāṇini (IV I. 168—177) In other words, the Indian view is territorial, not tribal

This little republic showed great spirit and patriotism, and was especially marked down for revenge by Alexander. 'These philosophers,' says Plutarch in the biography of Alexander (LIX), referring to the city of the Brahmins (McCrindle, *Ind.*, p. 306) 'gave him no less trouble than the

<sup>1</sup> Ed. by Bhandarkar, 1898 (Allahabad) p. 174

<sup>2</sup> The Greeks were evidently rendering *Mauchikarṇa*. The change of *ch* into *s* is regular in their renderings

<sup>3</sup> *Saltiperran*, Ch. XII

'mercenaries, because they reviled the princes who declared for him and encouraged the free states to revolt from his authority On this account he hanged many of them'

§ 77 To the south of the above there was the state of Patala in the delta of the Indus Before Alexander arrived, the whole community had migrated to avoid submission This preference for migration to submission was a settled practice amongst smaller Indian republics The Vrishnis, according to the Jātakas and the Māhā Bhārata, left Mathurā and went to Dvārakā when pressed by Jarāsandha The movements of the Śibis from the Punjab to Rajputana and of the Mālavas from the Punjab to Malwa were probably results of similar circumstances In the constitution of Patala their ruler was called *Moeres*<sup>1</sup> It is evidently identical with the derivative of *Mura* of the Ganapātha (P. IV 1 151), which Vardhamāna in his Gana Ratna Mahodadhī (III 209) takes as a ruler designation Curtius treats him as a monarch, a confusion which seems to have been occasionally made by these writers Diodorus, however, gives the constitution of the state in these words "*A city of great note, with a political constitution drawn on the same line as the Spartan for in this community the command was vested in two hereditary kings of two different houses while a Council of Elders ruled the whole state with paramount authority.*"

The Patāla of the Macedonians has been identified with Haiderabad (Sind), whose ancient name is still remembered as *Potalpur*<sup>2</sup> It seems to be the Pātana of the Ganapātha (on P IV 1 14) and the Pātānaprastha 'a Vāhika town of Patañjali (P V 2 104).

<sup>1</sup> Curtius BK IX Ch 8 McCrindle *Alexander* p 256

<sup>2</sup> McCrindle *Alexander* p 296 Diodorus BK XVII Ch civ

<sup>3</sup> McCrindle *Alexander* p 356

With Patala the chapter of Hindu states closes in the history of Alexander. There were some minor communities on the frontier of Baluchistan which it would not be accurate to describe as Indian

§ 78. Some of the states treated ambiguously by the  
States ambiguously  
described Greeks were very likely Samghas. We have already seen a few of this class. The state of *Phegelas* is probably another of them<sup>1</sup> The name has been taken by scholars to be identical with Sanskrit *Bhagala*, in view of the Ganapātha's *Bhagala*<sup>2</sup> which comes along with the republican Traigartas. Alexander's *Phegelas* occupied the same region. Another such state was that of the *Glausai* or *Glaukanilo*<sup>3</sup> (Arrian) who appear to be republican. They are identical with the *Glaukhalayana* of the Kāśikā<sup>4</sup>

The major portion of the Punjab and Sind which came under the survey of the Greek writers, shows only two or three monarchies, the important ones of which were the kingdoms of Poros and the Abhisāras. Otherwise the whole country was republican. This is also evident from Plutarch's (LX) account about Poros: "Alexander then not only reinstated Poros in his kingdom with the title of Satrap, but added a large province to it, subduing the inhabitants whose form of government was the republican."<sup>5</sup>

§ 79. Alexander's raid and retreat did not cover the whole of the Punjab. There was still the valley of the Sutlej and

<sup>1</sup> McCrindle, *Alexander*, pp 121 221 281

<sup>2</sup> On P, IV 2 80

<sup>3</sup> McCrindle, *Alexander*, p 111. *Glaukanilo* according to Aristoboulos, *Glausai*, according to Ptolemy

<sup>4</sup> On P IV 3 99

<sup>5</sup> Not to be identified with *Paurava*, but with the derivative of *Pura* of the *Ganapātha* on Pāṇini IV 1 151 which is given in the list of the Punjab and Sind ruling designations. Consult also Vardhamāna (G R M.) on the word

<sup>6</sup> McCrindle, *Alexander* p 308

that of the Beas in the Vāhika country to be traversed. The republics in those regions are to be recovered only from Indian literature. The *Yaudheyas* and the *Āraṭṭas* were in those regions, and so were also probably some of the republics mentioned in the *Kāśikā* which draws on ancient literature, e.g., the *Śayaṇḍas*, the *Gopālavas*, the *Kauṇḍībrisas* (*Kāśikā*, P. V. 3 114, p 456).

## CHAPTER IX

### Constitutional Survey of the Hindu Republics in Greek Writers.

§ 80. In the above survey it would have been noticed that we have various constitutions. This shows that the constitutions were adjusted to the particular needs and circumstances of the people composing the states. We have for instance, the democracy of the Ambashthas. The democracy of the Ambashthas had a Second House composed of elected elders. They elected their generals also. Apparently every man in the community had direct franchise, the Greeks calling the constitution a democracy.

§ 81. Then we have the Kshudrakas and Mālavas who had no 'king' consul, as they sent 100 or 150 representatives to negotiate the treaty of peace. Evidently their constitution would not allow power to vest in one man or a small body of men. It is noteworthy that the two armies elected a common general.

§ 82. Passing to the constitution of the Katharians or the Kathas, we find an elected 'king' President. In this state children were born to their parents as citizens first and individuals afterwards, the state deciding as to which of the prospective citizens were perfect in 'limbs and features' and which of them should be allowed to grow into manhood (Diodorus, XCI). The Saubhūta constitution was similar. In these states, man was really a political animal. The individual existed for the state. To secure the life of the group, the individual sacrificed himself.

and his sentiments as father and mother. Probably it was due to this law that the Kāṭha philosophers glorified a child (Nāchiketas), offered to Death by his father, as attaining immortality.

The constitution, like that of Patala, which provided for the election of a 'king' consul, was what Kautilya calls a Rājāśābdin Saṃgha, a republic which recognized the title of Rājān.<sup>1</sup> Such elected 'kings' also obtained amongst the Licchhavis. The elected king was not necessarily the leader of the army. Amongst the Licchhavis, the leadership of the army vested in another elected chief called Senāpati (General). An elected 'king' president was the feature of the Śākya constitution as well.

§ 83 In the constitution of the Patalas the 'council  
Second Chamber of elders' ruled. They had two so-called 'kings,' hereditary in two families, for the purposes of command in war only. Hereditary 'royal' families in republican bodies are also mentioned in the Mahā-Bhārata.<sup>2</sup> The Patala 'kings' were responsible to the Council which in turn was probably elected by the whole community, it being a democracy. Here we have in the Patala constitution a mixture of aristocracy and democracy.

<sup>1</sup> It was probably a constitution of this sort which prevailed amongst the Kuntindas, a state whose coins were struck in the name of the king and the political community. Their king is always mentioned there as *Amaghabastis*, 'Of unfailing prosperity' and the same appellation appears for centuries (150 B.C. to 100 A.C.). This was an official title, and not a personal name (as wrongly interpreted by numismatists V. Smith, CCIM, Vol I, pp 161, 167). The leaders of the Gopa of the Kaulindas (spelt also as Kaupinda) are mentioned by V. Mihra Br. S. IV 24, (कौलिन्दगणपतयः), xiv 30, 33. Ptolemy has Kulindrinae, the *Plakou P.* Kulinda and the *Markandeya P.* Kaulindae. Cunningham, CAI, 71. Their coins are found between Amhala and Saharanpur. Their proposed identification with 'Kuruts' (which ought to be *Kantils*) of the Simla hills (A.S.R. XIV, p 126) is doubtful.

<sup>2</sup> Ch. XIV 1-13.

The ultimate political authority in all these cases rested with the Gana or Saṃgha.

§ 84 As to the executive authority in these republics, it was in some constitutions delegated to a **Executive authority** Second Chamber or the House of Elders, while in others there are indications that it remained with the general Gana or Parliament. According to the Greek writers the Council of Elders at Patala had the supreme authority, and the Ambaśṭhas listened to the advice of their Elders. The Mahā-Bhārata says that the chief difficulty in the Gana constitution is to keep a resolution of their secret, because their number is large. It is therefore urged that the matters of policy (*mantra*) should not be discussed by the whole Gana and that the state policy should remain in the hands of the Leaders.<sup>1</sup> One set of the coins of the Yaudheyas is struck in the name of the *Mantra-dhara*s and the Gana while other coins are struck simply in the name of the Gana. *Mantra-dhara*s mean the council which is vested with the authority of *mantra* or policy. The officers called the chiefs or leaders of the Gana thus formed the **Executive Body** or the **Cabinet**. The Elders formed another body. They were like a *Second House*. They had varying powers according to individual constitutions. Amongst the *Patalas*, they were for all purposes the *Government*. In the *Ambaśṭha Saṃgha* they were not so. They were like the *Vṛiddhas* mentioned in the Mahā-Bhārata who advised on matters of mutual subordination and correct dealings, etc (ch. XIV). The *Vṛiddhas* or *Elders* were not necessarily people old in age, though primarily age might have been the qualification. The Mahā-Bhārata has the expression '*Elders by knowledge*,' i.e., by merit. Evidently one was elected an elder on merit.

<sup>1</sup> Ch. XIV, below



The discussion in the Mahā-Bhārata implies that some *Ganas* or *Parliaments* did reserve in their own hands the executive policy and did not delegate it to their council or cabinet, as it says that the system is a weak point in Gana constitution. Probably non-delegation of executive power was more general a trait than delegation. The Ambasthas and the Kshudraka-Mālavas seem to have had such constitutions. The democracies seem to have followed the non-delegation system. The government of the *city-states* in the Punjab is taken by the Greek writers to have been as a rule democratic. "At last after many generations had come and gone, the sovereignty, it is said, was dissolved and democratic governments were set up in the cities" (Diodorus, III, 33). "Most of the cities adopted the democratic form of government, though some retained the kingly, until the invasion of the country by 'Alexander' (*Ibid.* 39)."

§ 85. The states wherein the Greeks found Executive Aristocratic Power held by a few families on hereditary democracy principle, although the rulers were subject to a Gana, they have described as aristocratic. In fact they were a mixed constitution which may be called for want of a better term, aristocratic democracy. Take for example, the state on the other side of the Hupanis (Beas). This had a Gana or Parliament of 5,000 members. Yet it was called an aristocracy; "for the multitude was governed by the aristocracy, who exercised their authority with justice and moderation." It was according to the Greek view "an excellent system of internal government."<sup>1</sup> The Gana of 5,000 was not a direct

<sup>1</sup> McCrindle, *Megasthenes*, p. 38

<sup>2</sup> *Ibid.*, p. 40

<sup>3</sup> *IIA*, p. 121, *Megasthenes*, p. 67.

assembly, for only those were entitled to sit there who furnished the state with an elephant. This was the qualification, and a seat in the Gana was based on qualification. The population was composed of 'good agriculturists, and men brave in war.' Every agriculturist and every fighter could not have afforded an elephant. But every agriculturist and fighter presumably must have been represented. Evidently the elephant men represented the 'no elephant' men. To the class of this mixed type belonged also the Patala constitution. The hereditary 'kings' were under the complete control of the House of Elders. It was an aristocracy in form but democracy in spirit.

§ 86. The large number of the Gana or Parliament of 5,000 noticed by the Greeks is not without parallel in Indian literature. The Jātakas describe Vaiśālī, the capital of the Licchavis as having 7,707 kinglets (rājūkas). These rulers were composed of both rich and poor sorts who used to gather in the usual assembly in the House of Law on the call of tocsin. Probably all of them did not attend as they do not do in modern Parliaments.

§ 87. Hindu literature calls such aristocratic element of Gana, a *Kula*,<sup>1</sup> (literally, 'family'). The Mahā-Bhārata treats 'the Kulas of rājās' as belonging to the class of *ganās*. The Artha-Śāstra refers to the *rāja-kulas* 'ruling Kulas' or 'Kulas of rājās' as being of the nature of *Samghas* (*Sanghadharmins*, p. 328). The hereditary 'kings' of the *Pātalas* would come under this description of the *KulaSamgha*. The Law-books always treat

<sup>1</sup> Āśabāya commenting on Nārada I 7, defines *kula* as controlled or managed by a few people (कुलानि कतिविशुद्धयन्तेति) On *grahita* compare the verb *prapra*, to hold.

*Kulas* as distinct from *Gaṇas* and both come therein side by side<sup>1</sup> *Gaṇa*, therefore, pure and simple, had no hereditary principle and technically was of the nature of democracy. Often, there was a mixture of the two, and pure *Kulas* were rare. The distinction was in later times ignored.<sup>2</sup> The Jains who founded their religious *Gaṇas* also founded religious *Kulas*.<sup>3</sup> This *Kula* however was a misnomer, as the founders were celebrities and no hereditary principle could be followed. In pure *Kula* States 'supreme rulership' went by turns to the few families (*Kulesu pachchekādhī-pachcham*)<sup>4</sup>

§ 88 We have concluded this brief constitutional survey of these Republics. But let us not part with this chapter of our republican polity without a few words on their general culture. Philostratus in the *Life of Appollonius of Tyana* gives the information that the *Sophoi* of Alexander were the Oxydracae and that in the time of Appollonius (about 40 A. C.) they were regarded as 'rather dabblers in philosophy than philosophers.' It seems that the Kshudrakas in Alexander's time were noted for their philosophic wisdom and were called the wise (*Sophai*). Similarly the Kāṭhas are famous in Indian literature for their Upanishadic philosophy and Vedic learning. They were followers of the Kṛishna Yajurveda, their edition of that Veda, the Kāthaka Saṃhitā, has come down to our times. In Patañjali's time, the Kāṭha recension was the ruling authority, it was recited in every

<sup>1</sup> *Prāmitodiyā*, quotations at pp. 11 and 40

<sup>2</sup> Kātyāyana कूलानां हि समूहस्तु गणः सरकोक्तिः । (*Prāmitodiyā*, p. 426) "The assembly (or body corporate) of *Kulas* is called *Gaṇa*."

<sup>3</sup> See Paṭṭābhāṣā edited by Dr. Hoernle in *Ind. Ant.*, Vol. xx, p. 347.

<sup>4</sup> *Anguttara-Nikāya*, 58. 1 (Vol. III, p. 76). See discussion *infra* § 91.

town as he says in his *Mahābhāṣya*.<sup>1</sup> Their law-book, the *Kāthaka-dharma sūtra*, was also well-known, and is believed to have been the basis of the *Vishnu-smṛiti*. Their name in Hindu literature will live as long as the *Upanishads* live and the *Yajurveda* lives. Likewise the philosophy of the *Vṛishṇi* leader and that of his cousin *Nemi* are national beliefs to the present day. The *Śākya*s, although they ceased to exist by the fourth century B.C., had bequeathed the greatest religion to the world. Free constitutions seem to have given rise to free philosophies. Philosophy, politics and military training did not combine to develop a non-human type of humanity. The republics were noted for their love of music. *Arrian* (VI. 3) calls these Indians whom *Alexander* met, 'lovers of dance and song.'<sup>2</sup> The musical propensities of the *Vṛishṇis* are a familiar feature in *Sanskrit* literature. The *Harivaṃśa* describes their ball and picnic (Chs. 146—7).<sup>3</sup>

The *Arthaśāstra* (XI, p. 376) supposes disputation (*kalaha*), on *Vidyā* and *śilpa* ('science' and 'art') to be a wellknown weakness in the republics.

§ 89. It has been noticed as in the case of the *Sikhs* that belief and polity exercise a tremendous influence in moulding the physical features of man. The republican polity of this country is another illustration of this curious law of nature. The *Greeks* testify to the handsome looks and dignified bearing of the *Kshudrakas* and *Mālavas*, the *Saubhūtas* and the *Kāthas*. The remarks of the *Buddha* who compared the handsome *Lichchhavis* to a company of gods' go to prove the same. *Kṛishna* in the *Mahā-Bhārata* is reported to have alluded to

<sup>1</sup> On P, IV. 3 101

<sup>2</sup> *McCindle, I I by Alexander*, p 136 [Every nation regards the singing of every foreign nation as 'wild' It is true now, it was true 22 centuries ago]

<sup>3</sup> *R Mitra, Ind Aryans*, Vol 1, pp 430—42

<sup>4</sup> "Let those of the *Bhikkhus* who have never seen the *Tavatimsa* gods, gaze upon this company of the *Lichchhavis*, behold this company of the *Lichchhavis*, compare this company of the *Lichchhavis*—even as the company of *Tavatimsa* gods"

*Oldenberg and Rhys Davil*, *S B E*, Vol XI p 32

the handsome presence of certain Vṛishṇi leaders as a political asset.<sup>1</sup> It seems that the republicans consciously paid attention to physical culture. This the Saubhūtas and the Kāṭhās even enforced by the laws of their constitutions.<sup>2</sup> The disappearance of that physique in the land of the Līchchhavis which excited the admiration of the Buddha, is parallel to the decline of physique in modern Hellas. Features also seem to be amenable to what Aristotle called the Queen of Sciences

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<sup>1</sup> See appendix A

<sup>2</sup> See on the Madras, p. 93 "

## CHAPTER X

### Technical Hindu Constitutions

(from c. 1000 B.C.)

§ 90 Gāṇa and Kula were two main divisions of the Saṃgha states. Between them there were various technical classes of constitutions. Terms for them which have come down to us and their details, as far as I have been able to collect, I propose to set forth below. Let us take the oldest first.

§ 91. The Bhaujya constitution is noticed by the Aitareya Brāhmaṇa<sup>1</sup>. We get some light on this constitution from an unexpected quarter. The Pāli Canon<sup>2</sup> enumerates careers open to a Kulaputta. Amongst these, next to the king-consul, we have Ratthika and Pettanika. Aśoka in his inscriptions, equates Bhoja with Ratthika or Rāshtrika.<sup>3</sup> The commentary on the Aṅguttara Nikāya explains the Pettanika as being hereditary leadership (Sūpateyya), come down from

<sup>1</sup> *It.* VIII, 14. दक्षिण्यो दिनि यो के च सवता राजानो भौजादेव तेभिदियन्ते । भौज-  
भौजादभिविजानाचयन्ते ।

<sup>2</sup> पण्य कससि सदाशान कुलपुत्रस्य पञ्चधया सविज्जनि, यदि वा राजनी अकिदस्य मुहाभिविजय,  
यदि वा रत्थिकस्य वेत्थनिकस्य, यदि वा भोजय भोजादतिकस्य यदि वा राजराभिविकस्य, यदि वा  
पुत्तसभिविकस्य, ये वा पण कुलसु पचेकाधियस्य जायन्ति । *Aṅguttara Nikāya*, Pt III, § 76

<sup>3</sup> Luck Series Proclamations V and VIII. राजागर्भ विमट्टिका निन्द्यात् इति वापि अत्र  
चरणात् (Girnar V), भौजादभिविजय, Shalazarzārhi VIII.

forefathers.<sup>1</sup> The *Rāshṭrīkas* and *Bhojakas* or *Bhojas* as opposed to *Pettanikas* apparently meant non-hereditary leadership. *Sāpateyyam* ('together-leadership') suggests that in each case there were more than one leader. The *Mahā-Bhārata* also in its list of different classes of rulers mentions *Bhoja* as a class (*Sānti*. Ch lxvii Śl 51)<sup>2</sup> To this interpretation I am also led by Khāravola's inscription which describes the *Rāshṭrīkas* and the *Bhojakas* with paraphernalia of sovereignty.<sup>3</sup> Later inscriptions have *Bhojas* and *Mahā-Bhojas* which signify higher and ordinary classes of leaders. Sovereignty rested in the *Bhoja* leaders. The constitution itself was called *Bhaujya* as in the *Aitareya*. It is note-worthy that the *Bhojas*, so-called after their rulers, appear in later literature as a sub-division of the *Yādavas* whose earlier history we find as a league of two republics, called the *Andhaka-Vrishnis* (§§ 36-40). Now according to the *Aitareya* the *Satvats*, which is the ancient name for the *Yādavas*, were one of the peoples who observed the *Bhaujya* constitution.

§ 92 That this constitution prevailed in Eastern India also is probable on account of the reference in the *Pāli Canon*, which as a rule, does not deal with institutions of Western India.

Owing to their special constitution a people in Western India acquired the name *Bhojas*. This is probably a case where a nation is formed on account of its political constitution. The *Andhaka-Vrishnis* were in the peninsula of Gujrat or Kathiawad. The name *Bhoja* or *Bhaujya* still

<sup>1</sup> पितरादत्तं सापतेय्य *Anguttara* III Indices, p 456, again मुत्तामुत्तं मुच्चति commentary at p 300

<sup>2</sup> राजा भोजो विराट् सम्राट्

<sup>3</sup> Jayaswal, *Halligumpha Inscriptions*, J B O R S., III, p 455

survives in modern Bhuj, the capital of an Indian state (Cutch) in the Kathiawad Agency. Gujarat is one of the most ancient seats of Bhaujya; but it is likely that the Satvats had spread southwards, as the Aitareya places them in the south. If the author of the Aitareya was in the north of the Kuru land which he places in the Middle Country, he might locate Gujrat in the south.

§ 93. Svārājya is taken to be a peculiar constitution by the Aitareya Brāhmaṇa prevailing in Western India<sup>1</sup>. The ruler or President was called *Sarāt*. It literally means "self-ruler." The Taittirīya Brāhmaṇa in praising the Vājapeya royal consecration says that a wise man (*Vidvān*) sacrifices by the Vājapeya and he obtains Svārājya, which it explains as 'becoming the leader of equals'. He attains 'elder ship' (*jaishthya*)<sup>2</sup>. This little information shows that the *Sarāt* ruler was taken from amongst equals, and was made President, and that the selection was based upon merit for Indra who is said to have first obtained the Svārājya consecration (*abhisheka*) is described as having proved his merit. Evidently this refers to an election or selection to the presidentship amongst the members of a *gana* or council. It should be noted that the members of the *gana* according to the Mahā Bhārata were considered to be equals (*sadriśās sarve*)<sup>3</sup>. According to the Aitareya this form of government prevailed amongst the Nīchyas and the Apāchyas of Western India. The Nīchyas would have occupied, as their name signifies, the low lands bordering near the mouths of the Indus, and the Apāchyas, probably, the regions immediately

<sup>1</sup> एतन्नां प्रतीक्षादिभि र्देवै र्वा नीषाणां राजाभी र्देवै र्वाणां साराजायैव तदभिषिक्तो सराज्ये मानमिषकावाचयत *Aitareya Brāhmaṇa*, VIII 14

<sup>2</sup> य एव विद्वान् राजयैव यजति । यजति साराजम् । यज्, समानां यजति तिङन्, लृट्  
अथवा T Brāhmaṇa 1. 9 2 2

<sup>3</sup> See below § 124



above. In the time of the *Yajur Veda*, however, the *Svārājya* form prevailed in Northern India.<sup>1</sup> Later reference than the *Aitareya* for this form of constitution has not yet been met with.

§ 91 The *Aitareya Brāhmana* describes the *Vairājya* as a national constitution of some of the 'nations' of the North. The locality is further defined by the words "by the side of the *Himālayas*" In the time of the *Yajur Veda* such constitution was followed in the South. This shows that this form of government was not confined only to the North but was adopted in widely different localities<sup>2</sup> I have rendered the term, taking it literally, as "the king-less constitution"<sup>3</sup> According to the *Aitareya* the whole country or nation (*Janapada*) took the consecration of rulership. There is no doubt that this was a real democratic constitution. By way of example the *Uttara-Madras* and the *Uttara-Kurus* are given in the *Aitareya* as observing this constitution. The grammatical literature mentions the *Madras* defined according to *dis* or direction, which signifies that there were at least two *Madras*<sup>4</sup> The *Madras* were republican in the time of *Pāṇini* and they were so up to the 4th century A. C. when the *Guptas* encountered them.<sup>5</sup> It seems

<sup>1</sup> ब्राह्मणेनो दिङ्मन्त्रेन देवा ऋषिपत्यं etc., *S. Yajurveda*, XV. 19

<sup>2</sup> एतेन च कृषेनेनेन स यशुपैतामिष व्यावृत्तिभिर्वैराज्याय तस्मादसंख्यामुदीक्यो दिशि यो के च परिण हिमवत जनपदा उत्तरकुर्व उत्तरमद्रा इति वैराज्यावैवतेऽभिप्रेत्यन्ते । विराडित्येतानभिप्रेत्यानासचत..... *Aitareya Brāhmana*, VIII, 13

"विराडसि दक्षिणा दिशुर्दाक्षी देवा ऋषिपत्यं etc., *Yajurveda*, XV. 11

<sup>3</sup> Cf. To this word two meanings can be given 1) without king, 2) a very distinguished king. In this passage we must take it in the first meaning, for here are the *Janapada's*, i.e., people in opposition to the king mentioned as *abhisikṣita's*, anointed, whilst in all other passages of this chapter, we find instead of them, the *rajana's* or kings. M. Haug, *Aitareya Brāhmana*, Vol II p. 518, n

<sup>4</sup> *Pāṇini* IV 2 108 मद्रैर्भीक्ष्णः । See also the previous Sutra, and VII, 3 13 दिशोऽसद्राजानां, where the *janapada's* of the North are treated

<sup>5</sup> Fleet, *Gupta Inscriptions*, p. 8

that the Uttara-Madras or the Higher Madras had a somewhat different constitution from that of the Lower Madras. Now, the Uttara-Kurus in later literature have passed into the region of fable and mythology, where they are noted for prosperity and life of enjoyment.<sup>1</sup> In the Aitareya Brāhmaṇa, they are a historical people like the Madras. Apparently they, as a separate people, disappeared in later times and the story of their material prosperity transferred them to the region of folklore, a fate very common in this country where history has been often barbarised into mythology.<sup>2</sup>

<sup>1</sup> Cf. *Viṇḍa Pañho*, Vol I, pp 2-3. The old Madra capital (§96) is thus described and compared with Uttara-Kuru about the beginning of the Christian era —

"...a great centre of trade a city that is called Saḡaḡa, situate in a delightful country, well watered and hilly, abounding in parks and gardens and groves and lakes and tanks, a paradise of rivers and mountains and woods. Wise architects have laid it out, and its people know of no oppression since all their enemies and adversaries have been put down. Brave is its defence, with many and various strong towers and ramparts, with superb gates and entrance archways, and with the royal citadel in its midst, white walled and deeply moated. Well laid out are its streets, squares, cross roads, and market places. Well displayed are the innumerable sorts of costly merchandise with which its shops are filled. It is richly adorned with hundreds of alms-halls of various kinds, and splendid with hundreds of thousands of magnificent mansions, which rise aloft like the mountain peaks of the Himalayas. Its streets are filled with elephants, horses, carriages, and foot passengers, frequented by groups of handsome men and beautiful women, and crowded by men of all sorts and conditions, Brahmans, nobles, artificers, and servants. They resound with cries of welcome to the teachers of every creed, and the city is the resort of the leading men of each of the differing sects. Shops are there for the sale of Benares muslin, of Kutumbara stuffs, and of other clothes of various kinds, and sweet odours are exhaled from the bazaars, where all sorts of flowers and perfumes are tastefully set out. Jewels are there in plenty, such as men's hearts desire and gulls of traders in all sorts of finery display their goods in the bazaars that face all quarters of the sky. So full is the city of money, and of gold and silver ware, of copper and stone ware, that it is a very mine of dazzling treasures. And there is laid up there much store of property and corn and things of value in warehouses—foods and drinks of every sort, syrups and sweetmeats of every kind. In wealth it rivals Uttara-Kuru, and in glory it is as Alakanda, the city of the gods."

<sup>2</sup> Cf. *Silliman*, Ch. XXVIII. Also *Jataka*, Vol V, p. 316. Vol VI, p. 100. Where Uttara-Kuru is still a historical country located in the Himalayas.

§ 95. Hindu commentators failing to recognise the significance of the word *Vairājya* ('kinglessness') have fallen into the error of rendering it as 'shining condition.' But there cannot be the slightest doubt as to the constitutional interpretation given here. Other terms of the same passage of the *Autareya* do bear constitutional interpretation; and if any additional evidence were necessary, I would refer to the term as used by Kautilya who treats it as a form of government and rejects it as a bad form.' He, like his contemporary Greek thinkers, held democracy in contempt. According to him

'no body feels in a *Vairājya* Government 'the feeling of "mine" (with regard to the 'state), the aim of political organism is 'rejected, any one can sell away (the 'country), no one feels responsible, or one 'becoming indifferent leaves the state.'

The *Jaina Āchārāṅga Sūtra*<sup>2</sup> also mentions the *Vairājya* in giving different kinds of constitutions. And the *Mahā-Bhārata*<sup>3</sup> notices *Virāj* as one of the official titles of ruler

§ 96 The 'capital' of the Madras is noted though not named by Pāṇini. We know from other sources<sup>4</sup> that it was Śākala which is supposed to be identical with modern Sialkot. If the identification is correct, the Śākala must have been originally the seat the *Uttara Madras*.

In the 2nd century B. C., the capital was under Menander according to the *Mihinda Pañho*. It seems that the Madras

<sup>2</sup> देराजं तु क्रीडत परमार्थस्य 'नेतृत्वम्' इति मन्त्रमानः कार्यप्रवृत्तयति, पण्ड वा करोति विरक्तं वा परिहृत्य अपवच्छेदति। — *Artha Śāstra* VIII 2, p. 323 Mr. Shama Shastri's translation is hopelessly confused. He takes *Vairājya* to mean "foreign rule, which 'comes into existence by seizing the country from its king still alive'" p. 395

<sup>3</sup> *Ayraṅga Sūtram*, (Jacobi's edition) p. 83 *Vairājya* etc.

<sup>4</sup> राजा मीमी विराट् सभाट् Śānti, LVIII, 54

<sup>5</sup> *Mahābhārata*, *Karmapurāṇa* Chs. XI, XLIV

then left their original home and migrated to lower regions where they were found still flourishing in the Gupta age.<sup>1</sup>

§ 97. It is evident that the *Rāshṭrikas* of the West, who in Aśoka's inscriptions<sup>2</sup> are in the group of the Bhojas and Pitenikas, were a non-monarchical community. No king of theirs is noticed by Aśoka. Khāravēla also mentions them in the plural, fighting him in league with the *Bhojakas*, and with paraphernalia of sovereignty.<sup>3</sup> No doubt now remains as to their republican character. As pointed out above the Pāli Canon knows and names the *Rāshṭrika* or *Raṭṭhika* class of rulers.<sup>4</sup> ✓

According to the implication of the commentary, the *Rāshṭrikas* (*Sāpateyyam*) or 'board of leaders' were not hereditary.<sup>5</sup> They were therefore elected. The mention in the Pāli authority goes to indicate that the *Rāshṭrika* constitution was also very probably known to Eastern India. Like the *Bhaujya* this too gave a national name to the *Rāshṭrikas* of the West. The country named *Su-rāshṭra* of Western India probably owed its origin to a *Rāshṭrika* constitution. In the *Artha-Sāstra*, the *Su-rāshṭras* are a republic where no king-consul was allowed.<sup>6</sup> The territorial appellations *Rāshṭrika* and *Su-rāshṭra* seem to have been derived from this republican constitution.

§ 99. The passage in the Pāli Canon noticed above places the *Pettanikas* by the side of the *Rāshṭrikas*, and, as we have seen, the term denoted 'hereditary leaders.' Theirs appears to have been really a perverted form of the *Rāshṭrika*, or rather the *Bhoja*, form

<sup>1</sup> Fleet, *Gupta Inscriptions*, p. 8.

<sup>2</sup> See above § 91.

<sup>3</sup> See ante p. 90, n. 3.

<sup>4</sup> *Anguttara Nikāya*, Vol. III. LVIII 1. See above § 91 n. 2.

<sup>5</sup> *Anguttara Nikāya*, Vol. III, p. 456, where the *Pettanika*, as opposed to *Rāshṭrika*, is hereditary.

<sup>6</sup> *Artha Sāstra* p. 376; See above §§ 55, 57.

of government, where rulers or leaders had managed to become hereditary. In the *Āitareya Brāhmana* itself, one class of Bhojas are distinguished from the other by the expression *Bhoja pitam* (VIII. 12) or hereditary Bhoja (literally, who himself a Bhoja would also be the father of a Bhoja). The commentary to the *Anguttara Nikāya* has in one place *bhuttānubhuttāṃ bhujjati* (= *Pettanika*) which would signify a Bhoja *Pettanika*. The *Pottanika* oligarchy, or probably aristocracy, was prevalent in Western India as evidenced by *Aśoka's* inscriptions. That it existed in Eastern India is probable, coming as it does in the Pāli passage.

§ 100 | *Kauṭilya* discusses the constitution called *Dvairājya* in connection with the *Pairājya*. He characterises the *Dvairājya*, "the rule of two," as a constitution of rivalry and mutual conflict leading to final destruction.<sup>2</sup> It should be noticed that the *Āchārāṅga Sūtra* also refers to this constitution and treats it as distinct from the *Gana* government. This 'rule of two' was neither a monarchy nor an aristocracy. It is a constitution peculiar to the history of India. Historical instances of this constitution are known to our literature and inscriptions. *Avanti* in some period of Hindu history was under this constitution, for the *Mahā-Bhārata* relates that *Avanti* was under *Vinda* and *Anuvinda*, two kings ruling jointly.<sup>3</sup> The inscriptional instances have caused much confusion to Indian epigraphists and they found no solution of the riddle. In the 6th and 7th centuries of the Christian era, *Nepal* was under such a constitution. Simultaneous inscriptions of the kings of the *Lichchhavi* family and the *Thākuri* family are found at *Kāthmāṇḍu*.<sup>4</sup> These are orders issued from two

<sup>1</sup> *Anguttara Nīlaya*, Vol III, Indices, p 456

<sup>2</sup> देवाज्यवैराज्ययो वैराज्यसन्धीत्यपस्वरपादुरागाम्भा परस्परसङ्घर्षेण वा विनश्यति ।

—*Artha Śāstra*, p 323

<sup>3</sup> *Saṅghaparian*, Ch. 31, Ud P 165 etc

<sup>4</sup> Fleet, *Gupta Inscriptions*, A p IV

places in the same capital, and the dates prove that the two dynasties were ruling simultaneously. Epigraphists not knowing the *Dvairājya* form of government could not see the real significance. They were therefore forced to suppose an imaginary divided jurisdiction. It is, however, excusable, as the idea of *Dvairājya* is so foreign to modern mind. *Prima facie* such a constitution is unthinkable and unworkable. Its working in India constitutes a unique constitutional experiment and success. The constitution in Nepal lasted for a long time. Hobbes' doctrine of indivisible sovereignty would not allow a foreign student to grasp the inscriptions of Nepal. But in India, where joint-family is a living doctrine it is explicable. Such a constitution was feasible only in a country where the juristic notion of the *Mitāksharā* family could develop into a practical principle. It seems that the legal principle of joint property and joint enjoyment was transferred to the region of politics and acted upon, whereby, 'conflict,' 'rivalry' and 'annihilation' could be avoided for centuries. The Nepal families were not related by blood. It was only the constitution which made them joint twins in sovereignty. The references in the *Artha-Śāstra* and the *Achārāṅga Sūtra* indicate that the constitution was not a very rare thing in Hindu India.

§101. The *Arājaka* or 'non-ruler'<sup>1</sup> was an idealistic constitution which came to be the object of derision of political writers of Hindu India. The ideal of this constitution was that Law was to be taken as the ruler and there should be no man-ruler. The basis of the state was considered to be a mutual agreement or social contract between the citizens. This was an extreme democracy almost Tolstorian in ideal. The *Mahā-Bhārata*<sup>2</sup> from

<sup>1</sup> This technical *Arājaka* does not mean anarchy. For anarchy, Hindu politics uses a special term, *matasya-nyāya*, e. g., *AS*, I, 4, p 9, Khālampur copper plate (*EI*, IV 248), Manu, VII 20

<sup>2</sup> *S'antiparran*, Ch. LIX. In the beginning of the Current Cycle there was no monarchy, and no monarch, and there was no man appointed to executive government.

which the above description is taken, ridicules the constitution and says that the framers of this legal state found out their

In fact, there was no executive power. The rule of law and government of law was established. This government of law did not last for want of mutual confidence. Hence monarchy was introduced.

[In another place the same theory is expressed to this effect

Subjects in the Arājaka state becoming anarchical formed resolutions in an assembly and made laws for control of violence and crime. All the castes for the sake of confidence entered into agreement to live by the contract. But when they were not satisfied with the working of the system they complained to the Creator who recommended them a sovereign, and a king was elected.

This occurs in Chapter LXVII. Both traditions relate to the same theory

नियतं नरव्याघ्रं यच्च सर्वमर्शयत् ।  
यथा राज्यं समुत्पन्नमादौ कृत्युर्गोभयम् ॥  
नेव राज्यप्रराजासीन्न च दृष्टो न दायिकः ।  
धर्मोऽपि प्रजा सर्वो रक्षन्ति न परस्परम् ॥  
पात्यमानास्तथाऽन्यैश्च नरा धर्मैश्च भारत ।  
दैव्यं परमुपाजग्मुस्तत्तत्तात्मीयं आविश्यत् ॥  
ते भीष्मवशात्पद्मा मनुजा मनुजवर्धन ।  
प्रतिपत्तिविमोहाच्च धर्मलोपामनीनयम् ॥  
नष्टायां प्रतिपत्तौ च भीष्मवशात्पद्मा ॥  
लीभस्य वशमापद्मा सर्वे भरतसुतनम ॥

Ch LIX. Śl 13—17

In Śloka 22, they approach Brahman who writes a book on government and recommends a king (*gastim*)

Chapter LXVII,

इन्द्रमेव प्रथमते यद्राजानमिति श्रुतिः ।  
यद्येवेन्द्रस्तथा राजा संपूज्यो भूतिमिच्छता ॥ ४ ॥  
अराजका प्रजा सर्वो पूर्व विनेयमिति न श्रुतम् ।  
परस्परं भुञ्जयन्तो नास्या इव कलिं कृशान् ॥ १० ॥  
समैव तास्ततश्चक्रुः समयानिति न श्रुतम् ।  
वाक्यैरी दष्टपरुषो यथ स्यात्पारदारिकः ॥ १८ ॥  
यथ न समयं भिन्नाऽप्याज्या नष्टादह्ना इति ।  
विधासायश्च सर्वेषां वर्णानामविशयतः ।  
तास्तदा समयं कृत्वा समयेषावतस्थिरे ॥ १९ ॥  
संहितास्तास्तदा अमुरदुखानां पितामहम् ।  
अनीश्वरा विनश्यानी भगवद्गीश्वर दिशः ॥ २० ॥





Artha Śāstra that spies generally took the garb of sectarian ascetics.

Very small states on the doctrinaire principle of 'no man-ruler state' could have existed. There must have been Hindu Mazzinis and Hindu Tolstois to found and work such glorious but well-nigh impossible constitutions.

§ 102 Another passage in the Jaina Sūtra<sup>1</sup> (II.1.2.2.) gives three classes of rulers *Ugra* (*Ujja*) *Bhoja*, and *Rājanya*, (then follow the *Kṣhatrigas*, *Ikṣvākus*, etc). The technical, constitutional value of *Rājanya* we have already found out. *Bhoja* also we know. *Ugra* we get from Vedic literature ( § 202 Pt II, p 8 )

Kerala (Malabar) is also called *Ugra*. Probably Kerala had the Ugra constitution. Kerala is reputed to have had some republican form of government. The title *Keralaputo* in Aśoka's inscriptions may indicate some special form of government. The *Keralaputo* was the ruler of Kerala, but not its king. Similarly was his neighbour *Satraputo* of Aśoka's inscriptions. The Satvats were originally on the fringe of the Deccan, and it is likely that one of their branches went further down. With *Satraputo* as a *Bhoja* we can take *Keralaputo* as an *Ugra*, but the identification must remain tentative until further data be forthcoming.

§ 103 It should be borne in mind that in all these classes of constitutions, the ceremony of consecration was deemed essential. Without that there was no legal state. And why so? The rulers had to take the oath of good and honest government. The ceremony was so important that in democratic republics where the whole country was supposed to rule (*Vairājya*), the whole country took a *bhishika*

<sup>1</sup> अयकुलाणि वा भोजकुलाणि वा राजकुलाणि वा क्षत्रियकुलाणि वा इन्द्रागकुलाणि ..

*Ay trāṃgastūtam* (Ed Jacobi)

consecration by a special ritual.<sup>1</sup> The Lichchhavis had their *abhisheka* (above p. 51, n 2), and the Mallas had their fixed place where their rulers in taking office went through 'coronation,' '(*Mukuṭa-bandhana*,' 'putting on the coronet,' MPS, 6. 15) which pre-supposes *abhisheka* (§ 220 below) 'Un-anointed' ruler is a term of contempt in Hindu politics. It is to denote an unlawful ruler. It is applied to foreign tribes in the Purāṇas.<sup>2</sup>

<sup>1</sup> *Āitareya Brāhmaṇa*, VIII 14

<sup>2</sup> *Vayu Purāṇa*,—

भविष्यन्तीह यवना धर्मतः कामतोऽयत ।

मेव सङ्गमिदित्तास्ते भविष्यन्ति नराधिपा ।

See Pargiter's text, p. 56

## CHAPTER XI

### Procedure of Deliberation in Hindu Republics

§ 101. To come nearer these republics, to come nearer their breathing life, let us try to steal a peep into their deliberations. If the curtain of the past be too heavy to be lifted, let us be satisfied only with an indirect view.

We know from the Buddhist Sūtras and the references noticed above that matters of state were discussed in the assembly of our republics. There is one single direct reference to the technical aspect of these deliberations. That one reference is of highest importance, for it puts us on the right track. The capital of the Śākyaas was besieged by the king of Kosala. It is recorded that while the question of surrender was being discussed, opinion was divided. The Śākyaas therefore decided to find out the opinion of the majority. And voting was done on the subject

'So the king sent a messenger to the Śākyaas, saying: 'Sire, although I have no fondness for you, yet I have no hatred against you. It is all over, so open your gates quickly.' Then the Śākyaas said, 'Let us all assemble and deliberate whether we shall open the gates. When they had assembled, some said, 'Open them,' others advised not doing so. Some said, 'As there are various opinions, we will find out the opinion of the majority.' So they set about voting on the subject.'<sup>1</sup>

The voting resulted in favour of the proposed capitulation and the city capitulated. Now, where can we get greater details of this procedure of voting and majority? We have seen that the Buddhist Saṃgha was copied from the political Saṃgha. We have also seen that the example of counting

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<sup>1</sup> Rockhill, *The Life of the Buddha*, pp. 118-9

votes in the G a ṇ a is directly cited by the Buddha as a guide. Therefore, if we can 'get at the procedure of either of the two, the political or the religious Saṃgha, we would be having a picture of the common type. The institutions were contemporary, and in ordinary course, technicalities of procedure of deliberations would be common to popular bodies. But in the case of the Buddhist Saṃgha its foundation is known and its borrowing from the political Saṃgha is clear. The procedure of the Buddhist Saṃgha would be nearer the procedure of the parent Saṃgha, the Republic. If we eliminate the religious modifications, we can restore the common type. For this I reproduce the procedure of the religious Saṃgha, the very rules of which show that the terms and proceedings had already become technical before they were introduced by the Great Teacher into his Brotherhood. It will give us the details of the procedure of voting and majority.

§ 104. All the members who had the right to be present,  
 Seats were present in the assembly on seats,  
 placed under the direction of a special  
 officer appointed for the purpose :

"Now at the time a Bhikkhu named Ajita, of ten  
 "years' standing, was the reciter of the Pātimokkha  
 "to the Saṃgha. Him did the Saṃgha appoint as seat-  
 "regulator (*āsanapaññāpaka*, i.e., *āsanaprajñāpaka*) to the  
 "Thera Bhikkhus."<sup>1</sup>

§ 105 Deliberations were initiated  
 Motion with a motion in these terms :

"Let the venerable Saṃgha hear me." "If the time seem  
 Resolution "meet to the Saṃgha, let the Saṃgha do...  
 "This is the motion (*ñatti*, i.e., *Jñapti*, 'notice') "  
 After this the mover moved the matter in the form of a

<sup>1</sup> Account of the Congress of Vesālī, *Chullavagga*, XII, 27. (*Vinaya*, S B E, XX, 408)

resolution (Piṭṭijñā) to be adopted by the Saṃgha. All those who approved of the resolution were asked to remain silent, and those who would not approve were required to speak. In some cases the resolution was repeated thrice and then, if the assembly remained silent, it was declared as carried, and the party affected was formally informed of the resolution. I give below some instances from the Vinaya Piṭaka to illustrate the above description.

Here is a resolution moved at the instance of the Buddha himself

"Let the venerable Saṃgha hear me  
 "This Bhikkhu Uvāla being examined in the midst of the  
 "Saṃgha with an offence, when he has denied it then confesses  
 "it, when he has confessed it then denies it, makes counter  
 "charges, and speaks lies which he knows to be such. If  
 "the time seem meet to the Saṃgha, let  
 "the Saṃgha carry out the Tassapāpiyyasikā-  
 "kamma against the Bhikkhu Uvāla. This is the  
 "motion.

"Let the venerable Saṃgha hear me. This  
 "Bhikkhu Uvāla (&c, as before) the Saṃgha carries out the  
 "Tassa-pāpiyyasikā-kamma against Uvāla the  
 "Bhikkhu. Whosoever of the venerable ones approves of the  
 "Tassa-pāpiyyasikā-kamma being carried out against Uvāla  
 "the Bhikkhu, let him keep silence. Whosoever  
 "approves not thereof, let him speak.

"A second time I say the same thing  
 "This Bhikkhu Uvāla (&c, as before, down to) 'let him  
 speak.'

"A third time I say the same thing  
 (&c, as before, down to) 'let him speak.'

"The Tassapāpiyyasikā-kamma has  
 "been carried out by the Saṃgha against

"Uvāla the Bhikkhu Therefore is it  
"silent Thus do I understand."¹

Then the Saṃgha carried out the Tassa-pāpiyasikā-  
"kamma against Uvāla the Bhikkhu (1. 12 4) "

The following is taken from the account of the Congress  
of Rājagṛha, held after the death of the Buddha.

"Then the venerable Mahā-Kassapa laid the  
"resolution before the Saṃgha 'Let the  
"venerable Saṃgha hear me If the time  
"seem meet to the Saṃgha, let the Saṃgha appoint  
"that these five hundred Bhikkhus take up their residence  
"during the rainy season at Rājagṛha, to chant over together  
"the Dhamma and the Vinaya, and that no other Bhikkhus go  
"up to Rājagṛha for the rainy season.' This is the  
"resolution. Let the venerable Saṃgha  
"hear The Saṃgha appoints accordingly.  
"Whosoever of the venerable ones approves thereof, let  
"him keep silence Whosoever approves not thereof,  
"let him speak The Saṃgha has appointed  
"accordingly Therefore is it silent  
"Thus do I understand' "

Again,

"And the venerable Mahā-Kassapa laid the  
"resolution before the Saṃgha. 'If the  
"time seem meet to the Saṃgha, I will  
"question Upālī concerning the Vinaya' "

"And the venerable Upālī laid the resolution  
"before the Saṃgha 'Let the venerable  
"Saṃgha hear me If the time seems meet  
"to the Saṃgha, I, when questioned by the venerable  
"Maha Kassapa, will give reply' "

¹ *Chullavagga* 4 11 2 Trans. by Oldenberg and Rhys Davids *Sacred Books of the East* XX 29

² *Chullavagga* 11 1 4

³ *Jb d* 11 1 7

§ 106 / The rule of *quorum* was strictly observed. In small local societies of Buddhist monks a number of twenty formed the quorum to transact all kinds of formal acts<sup>1</sup>

If any business was transacted without the required number of members being present, the act was regarded as invalid and inoperative.<sup>2</sup>

"If an official act, O Bhikkhus, is performed unlawfully by an incomplete congregation, it is no real act and ought not to be performed"<sup>3</sup>

The duty of gathering the minimum number of members was undertaken by one of the members<sup>4</sup>

"Or, I will act as the securer of the number" (at the next meeting)" Oldenberg and Rhys Davids have translated the passage (Sacred Books of the East, XIII, p 307) as follows :

"Or, I will help to complete the quorum"  
The Ganapūraka was the 'whip' to the assembly for a particular sitting }

§ 107 The procedure of moving the *ñatti (jñapti)* once and the *prati jñā* once was called *ñattidutiya*, the Two-*ñatti*-procedure, and when they had to be moved thrice, it was called *ñattichatuttha* (the Four-*ñatti*-procedure) Putting the resolution or *prati jñā* to the assembly was called *Kammavācchā* (*Karmavācch*) Now if the *ñatti* was moved and no *Prati jñā* formally put, or if the resolution was proclaimed and no *ñatti* had been moved, the act would be considered

<sup>1</sup> Mahāragga IX 41

This corresponds to Patanjali's *1 mīlaka Saṅghaśa Mātī bhāṣya* V 1 2 II p 355 (on V 1 59)

<sup>2</sup> Vinaya, Mahāragga IX 32

अथानेन च भिक्षुविद्वयकस्य अकार्यं न च करणीयम् ।

<sup>3</sup> Mahāragga III C 6 शब्दपुरको वा भविस्सामीति ।

invalid. Similarly, an act requiring a *ñatti-chattuttha* could not be lawful if the motion or the resolution was not moved for the prescribed number of times. Again, the order of the motion and resolution could not be subverted:

"If one performs, O Bhikkhus, a *ñatti-duttiya* act "with one *ñatti* and does not proclaim a *kammavācchā* "such an act is unlawful. If one performs, O Bhikkhus, "a *ñattiduttiya* act with two *ñattis* and "does not proclaim a *kammavācchā*., with one "kammavācchā, and does not propose a *ñatti* , "with two *kammavācchās*, and does not propose a "ñatti, such an act is unlawful. If one performs, O Bhikkhu, a *ñatti-chattuttha* act with one "ñatti and does not proclaim a *kammavācchā*, "such an act is unlawful. If one performs, O Bhikkhus, a "ñatti-chattuttha act with two (etc).... "

§ 108 (Vote was called *Chhanda Chhanda*  
Votes literally means 'free,' and 'freedom' or  
'independence.' It connotes that in voting,

a member was expressing his free will and choice.

Votes of the members, who were entitled to be present at  
the meeting but who owing to some illness  
absentees or like disability could not attend, were

scrupulously collected. An omission to do this vitiated the  
proceedings. But such votes were rejected if objected to by  
the assembled members. It was optional with the members  
to count them but they were expected to be collected usually. |

"If, O Bhikkhus, at a *ñatti duttiya* act not all the Bhikkhus,  
.. entitled to vote are present, but if the *chhanda*  
of those who have to declare their *chhanda* has not been  
conveyed (to the assembly), and if the Bhikkhus present

<sup>1</sup> *Maya Vat Sāyga* IX, 3 478 Trans. by Elya Davids and Oldenberg  
S. B. E., Vol. XVII 1. 255 ff



"protest, such an act is performed by an incomplete congregation"

"If, O Bhikkhus, at a *ñattidutṭiya* act as many Bhikkhus as are entitled to vote, are present, but if the *chhanda* of those who have to declare their *chhanda* has not been conveyed (to the assembly), and if the Bhikkhus present protest, such an act is performed by an incomplete congregation"

§ 109 If the Samgha adopted a resolution unanimously, the question of voting did not arise, but if a matter entailed a division in the opinion of the members, speeches were made and the Procedure of Majority was observed. The opinion of the greater number (*bahutara*) decided the matter. The procedure is called *Ye-bhūyasya sikkāma* in Pāli. The Sanskrit restoration would be *Ye-bhūyasya kam*, 'Those (whoever) most-Procedure'. The voting was carried on with the help of voting-tickets which were coloured. The tickets were called *Śalākās* or pins<sup>1</sup> and the voting was called the pin-taking (*śalākā-grāhana*). There was a Teller, *Śalākāgrāhaka*—'taker of the pins,' appointed by the whole Samgha who explained the significance of the colours and took the vote either secretly or openly.

"A Bhikkhu who shall be possessed of five qualifications shall be appointed as taker of the voting tickets, one who does not walk in partiality, one who does not walk in malice, one who does not walk in folly, walk in fear, one who knows what (votes) have been taken and what have not been taken~"

"And thus shall he be appointed

"First the Bhikkhu is to be requested (whether he will undertake the office) Then some able and

<sup>1</sup> S B E Vol XVII, p 26f

<sup>2</sup> We gather from a Chinese record that these tickets were of wood

"discreet Bhikkhu is to bring the matter before the Samgha saying:

"Let the venerable Samgha hear me.

"If the time seem meet to the Samgha, let the Samgha  
"appoint a Bhikkhu of such and such a name as taker of the  
"voting-tickets (etc.) . .<sup>1</sup>

"By that Bhikkhu, the taker of voting tickets, are the  
"votes to be collected. And according as the  
"larger number of the Bhikkhus who  
"are guided by the Dhamma shall speak,  
"so shall the case be decided."

"I enjoin upon you, Bhikkhus, three ways of taking votes,  
"in order to appease such Bhikkhus—the secret  
"method, *Gāḷhakaṃ*, the whispering  
"method, *Sakāṇṇajappaṇaṃ*, and the open  
"method, *Vivaṭṭakaṃ*. And how, O Bhikkhus, is  
"the secret method of taking votes? The Bhikkhu who  
"is the teller of the votes is to make the voting-tickets of  
"different colours, and as each Bhikkhu comes up to him he  
"is to say to him thus: 'This is the ticket for  
"the man of such an opinion, this the ticket  
"for the man of such an opinion. Take whichever you like.'  
"When he has chosen (he is to add), 'Do not show it  
"to anybody.'"<sup>2</sup>

§ 110. Sometime to escape many "pointless speeches"  
"Pointless speeches," and the right of deliberation on a matter was  
"Delegation delegated to an appointed  
"Committee committee who decided the question

<sup>1</sup> *Chullavagga*, IV, 9, 5, S. B. E., XX, p. 25

<sup>2</sup> The odd number 3) of the *Sabha* (jury) who are required to sit with the Judge under Manu, VIII 10, points to the rule of majority. It is clearly enjoined in the *Artha Śāstra*, with regard to the decision of land disputes by a jury of neighbours. 'Land disputes are to be decided by village-elders of the neighbourhood. If there be a division of opinion among them the decision to prevail is of the honest majority'.

देवद्विरादं सामन्यानां कृत् । तेषां रीचीमादि यत इहय यथवीजमुदा या तसी नयन्ति ॥

Compare also the jury of 7, 5 or 3 in the *Sūtra-nīti*, IV, 26.

<sup>3</sup> *Chullavagga*, IV, 14 24, S. B. E., XX, p. 54, 26, p. 66

amongst themselves and then communicated their decision to the Samgha. \* If the committee could not come to a decision, 'the custody of the case, remained in the hands of the Samgha' who decided it according to the Procedure of Majority.

"If, O Bhikkhus, whilst the case is being enquired into by those Bhikkhus, pointless (*anaggāni*) speeches are brought forth, and the sense of any single utterance is not clear, I enjoin upon you, O Bhikkhus, to settle the case by referring it (to a jury or commission) <sup>an</sup>

"And thus, O Bhikkhus, is he to be appointed First, <sup>not</sup> a Bhikkhu should be asked (whether he be willing to undertake the office). Then some discreet and able Bhikkhu should address the Samgha thus :

"May the venerable Samgha hear me. Whilst this case was being enquired into, pointless speeches were brought forth amongst us, and the sense of no single utterance was clear. If the time seem meet to the venerable Samgha, let it appoint Bhikkhus of such and such a name on a committee. This is the motion,' etc."

"If those Bhikkhus, O Bhikkhus, are not able by the committee to settle that case, those Bhikkhus O Bhikkhus, ought to hand over the case to the Samgha, saying, 'We, Sirs, are not able by a committee to settle this case, let the Samgha settle it'

"I enjoin upon you, O Bhikkhus, to settle such a case by vote of the majority"

The same principle operated when a matter was referred to a larger body :

"But if you, sirs, should not be able to do so, then will we ourselves retain the custody of the case."<sup>4</sup>

<sup>1</sup> *Chullavagga*, 4. IV. 19, (*Uddahāṭṭa* - Skt., *Uddahāṭṭa*)

<sup>2</sup> *Chullavagga*, 4. IV. 20.

<sup>3</sup> *Chullavagga* 5. IV. 24

<sup>4</sup> *Chullavagga*, 4. IV. 18.

Again :

"Then the Saṃgha met together with the intention of enquiring into this legal question. But while they were enquiring into it, both was much pointless speaking brought forth and also the sense in no single speech was clear. Then the venerable Revata laid a resolution before the Saṃgha :

".....'If it seems meet to the Saṃgha, let the Saṃgha settle this legal question by referring (it to a jury).'

"And he chose four Bhikkhus of the East and four Bhikkhus of the West.....'Let the venerable Saṃgha hear the. During the enquiry into this matter there has been much pointless talk among us. If it seem meet to the Saṃgha, let the Saṃgha delegate four Bhikkhus of the East and four Bhikkhus of the West to settle this question by reference....The Saṃgha delegates four Bhikkhus of the East and four Bhikkhus of the West to settle this question by reference. Whosoever of the venerable ones...approves not thereof, let him speak. The delegation is made accordingly. The Saṃgha approves thereof. Therefore is it silent. Thus 'do I understand' "

§111. A settlement by this procedure was called a "proceeding in presence" (*Sammukha-vinaya*). The delegates were regarded as lawfully representing the interests in the matter and therefore the parties were considered to be present in the discussion.

"If then, O Bhikkhus, those Bhikkhus are able on the reference (or on the committee) to settle the case, that, O Bhikkhus, is called a case that is settled. And how is it settled? By the Proceeding in Presence. And what therein is meant by the Proceeding in Presence The Dhamma is represented, and the Vinaya is represented, and the particular person is represented."

Principle of  
representa  
tion

\* Chullaragga, III 2, 7 8

\* CA. V, 4 14 21, S. B. E., XX, p 52

§ 112 If once a question was decided in accordance with any of the valid procedures of the assembly, it could not be re-opened<sup>1</sup> "Having been once settled, it is settled for good"

Res Judicata  
§ 113 It appears from *Chullavagga*, IV. i4. 9, that a member was liable to the 'Procedure of Censure,' if he did not control himself in discussion and showed "contradiction, cantankerousness, and similar misdemeanours in speech"

Procedures of Censure  
Re-opening a settled question was also regarded as an offence "When a legal question, O Bhikkhus, has been thus settled, if a disputant re-opens the question, such re opening "is a *Pachittiya*."

Act of Indemnity  
An act of an assembly, inadequately constituted, could not be indemnified afterwards by a fuller assembly A contrary opinion seems to have been entertained by some people But the procedure of indemnity (*anumatikappo*) was altogether rejected by the followers of Buddhism

§ 114. There used to be Clerks or Recorders of the House, who without ever quitting their seats took down minutes of the deliberations and resolutions A Buddhist sutta, *Mahā Govinda*, to which we shall have to refer again, describes a meeting of the Gods in their Hall the *Sudhamma Sabhā* ('the Hall of Good Law') At the four angles just outside the rows of the celestial members of the assembly and in front of the demi-gods (spectators), four recorders, each with 'the title of 'the Great King' (*Mahārāja*), take their assigned seats The four Kings became the receivers of the speeches and receivers of resolutions 'in respect of the matter,'

<sup>1</sup>for which the Tavatimsa Gods having assembled and being seated in the Hall of Good Law, deliberated and took counsel together

<sup>1</sup> *Chullavagga*, IV, 24 25

'They the Four Lord Clerks of the House remaining the while in their places, not retiring'<sup>1</sup>

The learned translator of the *Dīgha Nikāya* rightly saw in this that 'the Four Great kings were looked upon as 'Recorders of what had been said. They kept the minutes of 'the meeting.'<sup>2</sup> Now as men attribute their own institutions to their Gods, it is a simple inference that the Indians in the days of the Buddha had such Clerks of the House in their parliaments or 'Mote Halls', as Prof. Rhys Davids has already pointed out.<sup>3</sup>

'Acts of indemnity' and other 'acts' and 'laws' passed must have been reduced into writing, and we know that elaborate record of judicial business was kept by the *Licchhavis*. The large body of the republican *ganas* necessitated the presence of more than one clerk. The members of the assembly made speeches from their seats and the Clerks near the section 'took down the words'. Evidently the Clerks of the House were men of position.

§ 115. This view captured from the fleeting past, from  
 Historical significance of the terms and procedure the distant sixth century before Christ, shows clear features of a highly developed stage, marked with technicality and formalism in language, with underlying concepts of legalism and constitutionalism of a most advanced type. This pre-supposes a previous experience extending over centuries. The *Jñātipi*, the *Pratijñā*, the *Quorum*, the *Śalākā*, (ballot-voting),

<sup>1</sup> MG, *Dīgha Nikāya*, XIX, § 14 Pali Text Society's edition, vol II, pp 220—25

Yen' atthena devā Tāvatisā Sudhāmmāya sabbhayaṃ sannaṣṣinnā honti sannipattitā, taṃ attham chintayitvā taṃ attham mantayitvā vutta vachanā pi taṃ chattāro Mahārājā tasmīn atthe honti, picchannetiṭṭha vachanā pi taṃ chattāro Mahārājā tasmīn atthe honti sakesu āsanesu (hi)ā avippakantā

<sup>2</sup> Rhys Davids, *Dialogues of the Buddha*, Pt II (Sacred Books of the Buddhists Vol. III), pp 263—4, n.

<sup>3</sup> *Ibid.* 'There must have been such Recorders at the meetings in the Mote Hall'

the Procedure of Majority, the Reference, are all mentioned by the Buddha without any definition, that is, as terms already current.

§ 116. The Jātakas, which go back in date to pre-Buddhan times, do not let any doubt linger as to the existence of the procedure of voting and its use in political matters before the birth of the Śākya Muni. In Jātaka I<sup>1</sup> (p. 399) the election of a king to the vacant throne of a city is described. All the ministers and the Nāgaras (the members of the capital assembly or the citizens of the capital), having agreed unanimously by a common voting (*ekachchhandāhutvā*) elected their new king. This was a *Referendum* of the whole city, and not the city assembly only, as the word for the City assembly in Pāli is *Negama* (see ch. xxvii, below). *Referendum* (*chchhandaka*) of the whole city (*Sakala-nagara*) was known to early Buddhist literature on which the author of the commentary on the Jātakas drew. *Chchhandā*, according to the Pāli canon is *voting*, and the *\*chchhandaka* of the whole city in a city state would naturally mean a referendum. In any case, the reference to the election of king by a common voting is certainly pre-Buddhan in the text of the Jātaka. There is another passage in the Jātaka, Vol. II, pp. 352-3, which proves that the procedure of moving a resolution three times in political matters obtained before the time of the Buddha. The procedure is mentioned in a humorous fable; it, therefore, must have been well-known in actual life to be so mentioned. A bird is repeating a motion for the election of a *rājā*, evidently a republican *rājā*; he has done so twice and the motion was opposed by another member of the assembly: 'Wait please!' The opposer of the motion

<sup>1</sup> Fausbøll's ed

begged leave to make his speech which was granted on condition that the speaker should state his reasons on the principles of political science and law (*artha* and *dharma*) 'The speaker gave his reasons and he carried his opposition. The opposition was on the well known republican ground that the proposed king<sup>1</sup> had not a pleasant presence. Evidently, it is a mimicry of the republican principle of election on the ground (amongst others) of good looks and presence. But the procedure which comes out of the mimicry and ridicule establishes our thesis. It was republican first and became Buddhist afterwards.

The Buddha only adopts the procedure rules for particular kinds of cases arising in his organization. He himself came from one of the republics and mostly lived amongst republican communities. He was perfectly familiar with their working system and adapted it to the benefit of his own Order. His ambition was to found a large state, an empire, of his religious system (*dharma chakra*) but the organisation he created to realise his aim was communal, fit to establish and hold only a city state of *dharma* and not a *dharma chakra*. The limitation was the result of early associations. Born in a republic, where political and public spirit was more intense than in contemporary kingdoms, he combined in him the capacity, the enthusiasm and the ambition, not of a quiet recluse, but of a republican chief and of a conqueror<sup>2</sup>. Unlike the normal Hindu ascetic he would hold property for his Samgha, he would hold meetings and pass resolutions and punish offenders.

<sup>1</sup> Mr Owl

<sup>2</sup> In personal matters also the Buddha showed a conservatism acquired from his early associations. He was proud of his Ikshvāku lineage even when a recluse. He told the Brahmin Kṛṣṇa pāyana who called him as a Sākya that he (Kṛṣṇa pāyana) was descended from one of the slave girls of the Ikshvākus. 'If you do not give a clear reply (to my charge) then your head will split in pieces on the spot. *Anuttara Sutta* S. II. 20. 113. D. 113. *D. 114* 116.



Throughout his spiriual achievements, he is a republican Śākya, and his system is a constitutionalised spiritual propaganda, a Propaganda of Conquest. To achieve success in his spiritual designs, he had to perpetuate his republic of dharma (Dharma-Saṃgha), and to perpetuate the republic of dharma, he adopted the constitution and the constitutional procedure of the republic of politics.

## CHAPTER XII

### Franchise and Citizenship

§ 117. { In aristocratic republics the basis of franchise was the family, i.e., the Hindu family. } This is implied by the Mahā-Bhārata when it says that there is equality in the Gaṇa by family (kula) and by birth (jāti).<sup>1</sup> } Equality by birth and family made up the constitutional equality inside the Hindu republic. Every free man in a Saṃgha was equal by his birth, and every family was equal, for political purposes. } A passage in the Pāli Canon also takes the Kula as the basis of franchise.<sup>2</sup> The Buddha preaching to the sons of the Licchavis says that high careers open to a Kula-putta or cadet of a family were these: he might become consecrated to rulership, might become a Rāshṭrika, or Pettanika, or the Generalissimo, or the President of the Township, (gāmagāmanika), or the President of the Industrial Guild (pūgagāmanika). It is meant that all these offices were elective and a Kula-putta was eligible to all these in a Gaṇa-state. A sixth career is added and it is with regard to a Kula-state which we have already noticed above: 'Supreme rulership [over other rulers] by turns.' Kātyāyana the law-giver says that gaṇa is the assembly of

<sup>1</sup> See Ch. XIV below. Jāti, literally, 'birth,' is not caste. There were, as we have seen, all castes amongst the republics. Free birth as opposed to slave birth is probably meant by it. Cf. the Vedic *ayita*, see below Ch. XXV.

<sup>2</sup> See above, p. 89, n.

<sup>3</sup> कुरुपु वक्ष्यमाणम्; *Aṅguttara Nikāya*, Vol. III, p. 70

Kulas<sup>1</sup> Kula or family was thus the basis of political right and power in aristocracies and in aristocratic democracies. But it could not have been the rule in what the Greeks called democracies. There everybody was equal, of course, by birth. Birth alone must have been the basis of franchise in constitutions like that of the Kathas and the Saubhūtas where even the selection of the 'king' depended upon personal qualification and no one attached any regard to the family, and where the culture of the individual himself was the prime consideration of the State. We find in the Sākya Parliament both young and old assembled, in the Vṛishni Saṅgha, father, son, and younger brother, (Kṛṣṇa, Pradyumna, Gāda) all possessing franchise (§ 197).

§ 118 Pāṇini gives rules to form words denoting the country of origin of a man (IV 3 90),<sup>2</sup> or his present habitation (IV 3 89),<sup>3</sup> and also to denote *bhaḥ* which one bears to a particular country, tribe, ruler, or holders of *janapada* (republican rulers).<sup>4</sup> One of the illustrations given by Patañjali is the community of *Glauchukāyanakas* whom we know to have been a political state from Macedonian writers.<sup>5</sup> As they owe *bhakti* to Gluchukāyana, they are called the 'Glauchukāyanakas'. Kātyāyana modifying one of the rules of Pāṇini introduces the republican illustrations of the Madras and Vṛjys.<sup>6</sup> One of Madra *bhakti* may be called

Outsiders eligible to citizenship in republics

<sup>1</sup> कुलानि हि समूहस्य यत् सम्बन्धिनः । *Upaniṣadodaya* p. 420

<sup>2</sup> भविष्यत् । ४ । १ । ८० ॥

<sup>3</sup> भविष्यत् । ४ । १ । ८१ ॥

<sup>4</sup> Pāṇini IV 3 95-100

<sup>5</sup> ग्लाउचुक्यानाम् । ४ । १ । ८० ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८१ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८२ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८३ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८४ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८५ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८६ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८७ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८८ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८९ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ९० ॥ । Sūtra 90 distinguishes *loyalty* from *partiality* in the use of *bhakti* (cf. *Śākhikā* (312); *achitta* non purpose or non thoughtfulness, is significant. One's weakness for milk is an *achitta bhakti*, i.e., political *bhakti* is a considered and rational condition of mind).

<sup>6</sup> See above p. 78

<sup>7</sup> On Pāṇini IV 3 100 सर्वद्वयं च प्रतिनिधित्वम् । ४ । १ । ८० ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८१ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८२ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८३ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८४ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८५ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८६ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८७ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८८ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ८९ ॥ । ग्लाउचुक्यानाम् । ४ । १ । ९० ॥ । Patañjali's note on the Madra bhakti is also in the same line. See above p. 78.

Takshaśilā and Ślātura, etc., is discussed. There is not a trace of religious *bhakti* (devotion). Again, scholars have taken note of Vāsudeva while Arjuna who is placed along with Vāsudeva in the same Sūtra has been ignored. There is no evidence that Arjuna was deified. *Bhakti* to these two Kshatriyas is the political *bhakti*. The party loyal to Vāsudeva and the party loyal to Arjuna must have been well-known in literature like the *varga* of Vāsudeva mentioned by Kātyāyana (Kielhorn, Vol II, p 295). Patañjali is perplexed as to why a separate Sūtra वासुदेवार्जुनाभ्यां दत्तं should have been given when there was a Sūtra coming (IV 3 99) which gave the same formation in case of allegiance to a Kshatriya (ruler)-name “गोत्रचक्रियाख्येभ्यो बह्वन् दत्तं ( 8.३.८८ ) इत्येष सिद्धम् । न ह्यस्ति विशेषो वासुदेव-शब्दादनी वा युजो वा । तदेव रूपं स एव स्वरः । इदं तर्हि प्रयोजनं वासुदेव-शब्दस्य पूर्वनिपातं वक्ष्यामीति । अथवा नैषा चक्रियाख्या । सन्नैषा तत्रभवतः ।” Patañjali here understands Pāṇini’s IV 3 98 to refer to *bhakti* owed to these two as Kshatriyas (rulers) and not as deities. The cause of Patañjali’s perplexity seems to be a confusion which arose by treating a Vārttika of Kātyāyana, viz., गोत्रचक्रियाख्येभ्यो बह्वन् दत्तं, as a Sūtra of Pāṇini. As a matter of fact गोत्रचक्रियाख्येभ्यो बह्वन् दत्तं is given as a Vārttika (No 18) to Pāṇini, IV 2 104 (Kielhorn, p 296). The same rule could not be both a Vārttika of Kātyāyana and a Sūtra of Pāṇini. It has already come as a Vārttika, and by treating it as a Vārttika the sense becomes clear. Kātyāyana completes Pāṇini by giving a general rule on allegiance owed to well-known Kshatriya rulers.]

## Judicial Administration and Laws of Republics

§ 120. The Hindu law books recognise the laws of Kula States as well as those of Ganas<sup>1</sup>. The Kula Court was presided over by Kulikas or aristocrats<sup>2</sup>. In a mixed constitution of aristocracy and democracy we may find a Kulika Court. Such a court, as a matter of fact, we do find amongst the Vrijis, where there was a Board of Eight Kulikas to investigate into criminal cases.<sup>3</sup> The law books prescribe that an appeal should lie from the Kula Court to the Gana-Court.<sup>4</sup> We can understand this provision if we take into consideration a mixed constitution. There may be a Kulika Court there, but then it would be subject to the higher jurisdiction of the Gana. The Kulikas in the Vriji constitution were subject to the superior jurisdiction of the heads of the Gana—General, Vice-King and 'King'. The Mahā Bhārata says that it was the duty of the Kula-elders to take notice of criminal

<sup>1</sup> Yājñavalkya, I, 360, II, 180 कृत्वाणि जातो ये सोय गणाज्ञानपदानि ।  
 स्वधर्माद्यभित्तूनांजा निनीय व्यापयेत्यथि ॥ १ । ३९० ॥  
 निजधर्माविरोधिन यस्तु सामर्थ्यको भवेत् ।  
 सोऽपि यत्रे न सरस्यो धर्मो राजकृत्य य ॥ २ ॥ ४८६ ॥

See also, ग्रामस्थे शिष्यानाय सङ्गत समयक्रिया । Brihaspati quoted in *Pramatrodaya*, p 424)

And Manu, VIII, 41. — जातिज्ञानपदान्धर्मांश्च केषीधर्मांश्च धर्मवित् ।

समोऽस्य कलधर्माय स्वधर्मे प्रतिपादयेत् ॥ ८१ ॥

\* Rāttthapāla after whom a text is named in the Pāli Canon was a kula putta and son of the *agga kulāla*. See also, कृत्तिकास्वार्थमुज्झाय पुराणनिर्वाहिन ।

सामपौराण्ये ख्यसातविंशत्यवर्गिण ।

कुलानि कुलिकायैव नियुक्ता मृगतिस्रया ।।

Vramitrodaya, p 11 Comm, कृषिका कनयेना ।

<sup>1</sup> See above §§ 40—50 Cf. Kātyāyana (quoted in *Vīramatrodaya* p. 41).

वशिष्ठि स्वात्मनिपत्यै कथंभूतैरधिहितम्, where कथं=a court.

<sup>4</sup> See, n. 3 at p 124 below

offences and that justice should be administered through the President, that is, punishment was given in his name<sup>1</sup>. This seems to have been done amongst the Vrijis. There were industrial organisations in a Gana<sup>2</sup> as in a monarchy. These guilds (*pūgas*) had some judicial powers. But their decisions were appealable to the Kula and Gana Courts<sup>3</sup>.

When the Ganas were conquered by, and became subject to, monarchs as in the days of the later law books (*Nārada*, *Bṛhaspati* and *Kātyāyana*) a decision of Gana was made subject to the appellate jurisdiction of the monarch or the royal Chief Justice<sup>4</sup>.

§ 121. That the Ganas had their own laws is evident from the provision of the Hindu law books which, as has been pointed out above, recognise their separate existence. It is also proved by the testimony of the Greek writers who praise the laws of Indian republics. The *Mahā Bhārata* also praises their good legal system. The *Lichchhavis* are recorded to have had a book of legal precedents<sup>5</sup>.

The laws of the Ganas are called by the law-books *Samaya*<sup>6</sup>. *Samaya*, literally, means a decision or a resolution arrived at in an assembly (from सम् + √१ = meeting), that is, the laws of the Ganas were passed in their meetings.

<sup>1</sup> See Ch. XIV below.

<sup>2</sup> *Anguttara Nikaya* Vol III, p 76. See above § 117.

<sup>3</sup> कुलस्य विमर्शाध्यक्षा प्रोक्तनिर्णयकारिका ।  
 येषामग्रे निश्चितस्य प्रतिज्ञानुसरोत्तरा ।  
 विचार्ये अ विभि कार्ये कुलेयम विचारितम् ।  
 मण्येयम् अविद्यात् मन्वाप्तात्प्रियुक्तक ।  
 कुलादिभ्योऽपि वा सभ्यात्तभ्योऽप्यथोऽपि वा कृत ।  
 सर्वेषामधिको राजा धम यत्नेन निश्चितम् ॥

—*Bṛhaspati in Pīramitrodīya*, p 40

All these quotations refer to a time when *ganas* had become subject to monarch etc.

<sup>4</sup> See ns at p 103 and n<sup>2</sup> above.

<sup>5</sup> *Rhya Davids Buddhist Ind a* p 22. Such books were kept in monarchies also. See *Jātaka* Vol III p 292 Cf *J* Vol V p 105.

<sup>6</sup> *Nārada* and *Bṛhaspati* quoted in *VM*, pp 423—425.

## CHAPTER XIV

### Characteristics of Republics according to the Maha-Bharata

§ 122 In Śānti-Parvan, Chapter 107 is devoted to the characteristics of the *gana*s. There are traces in the discussion which indicate that the characteristics given go back to fairly early times. It is nowhere contemplated that the *gana*s owed allegiance to monarchs, far less that they were conquered. This would relate to a period before the rise of empires.

§ 123 As the discussion is of great importance, I give below the text and translation of the entire passage<sup>1</sup>. Former translations are hopelessly confused, the reason being that *ganas* had ceased to exist long before the time of commentators, and their real significance was forgotten.

§ 124 The discussion in the Mahā Bhārata makes it clear that '*Gana*' refers to the whole body politic, the entire Political Community, and, in the alternative the Parliament, and not to the "governing body" only (a view to which Dr Thomas inclines, *J R A S*, 1915, p. 534). The governing body was composed of the *Gana mukhyas* and *Pradhāna* (Chiefs and President) whose jurisdiction it was to conduct affairs of the community (verse 23)<sup>2</sup>. Resolutions of State were matters which remained in their hands (verse 24), they held meetings and discussed those Resolutions (25). They also saw to the administration of justice (27). Thus the executive was a distinct body inside the *Gana*.

It may also be noticed that the large number which composed the *Gana* is alluded to in verse 8, and the *whole* body is mentioned

<sup>1</sup> Asiatic Society of Bengal ed. of the M Bh. Śānti parvan Ch. 107

<sup>2</sup> *Gana mukhyas* = *Samgha mukhyas* Artha-Sāstra p. 377 (211)

in verse 24. It was impossible to keep matters of vital policy secret on account of the large number of the *Gana*. This was in the opinion of the Mahā-Bhārata writer a great defect in the *Gana* constitution (8 and 24). It is thus apparent that a close body was not meant by 'Gana'. The *Ganas* generally formed *confederacies* (II to 15). Learning in the *ganas* is alluded to in verse 21.

“Of the Characteristics of the *Ganas*.”

गणानां वृत्तिमिच्छामि श्रोतुं मतिमतां वर ॥ 6 ॥

यथा गणाः प्रवर्तन्ते न भिद्यन्ते च भारत ।

अरींश्च विजिगोषन्ते सुहृदः प्राप्नुवन्ति च ॥ 7 ॥

भेदमूलो विनाशो हि गणानीमुपलक्ष्ये ।

मन्त्रसंवरणं दुःखं बहूनामिति मे मतिः ॥ 8 ॥

एतदिच्छाम्यहं श्रोतुं निखिलेन परन्तप ।

यथा च ते न भिद्येरंस्तु मे वद पार्थिव ॥ 9 ॥

॥ भीष्म उवाच ॥

गणानाञ्च कुलानाञ्च राज्ञां भरतसत्तम ।

वैरसन्दीपनावेतौ लोभामर्षौ नराधिप ॥ 10 ॥

लोभमेको हि हृणुते ततोऽमर्षमनन्तरम् ।

तौ क्षयव्ययसंयुक्तावन्योन्यञ्च विनाशिनौ ॥ 11 ॥

चारमन्त्रबलादानैः सामदानविभेदनैः ।

क्षयव्ययभयोपायैः कर्षयन्तीतरेतरम् ॥ 12 ॥

तत्रादानेन भिद्यन्ते गणाः संघातवृत्तयः ।

भिन्ना विमनसः सर्वे गच्छन्त्यरिवशं भयात् ॥ 13 ॥

भेदे गणा विनश्येयुर्भिन्नास्तु सुजयाः परैः ।

तस्मात् संघातयोगेन प्रयत्नेन गणाः सदा ॥ 14 ॥

पर्यायेवाधिगम्यन्ते संघात-बल-पौरुषैः ।

वाघ्राय सैत्रौ कुर्वन्ति तेषु संघातवृत्तिषु ॥ 15 ॥

घानहृदाः प्रशंसन्ति शून्यपन्तः परस्परम् ।

विनिवृत्ताभिसन्धानाः सुखमिधन्ति सर्व्वशः ॥ 16 ॥



धर्मिष्ठान् व्यवहारांश्च स्थापयन्तश्च शास्त्रतः ।  
 यथावत् प्रतिपश्यन्तो विवर्द्धन्ते गणोत्तमाः ॥ 17 ॥  
 पुत्रान् भ्रातृन् विगृह्णन्तो विनयन्तश्च तान् सदा ।  
 विनीतांश्च प्रगृह्णन्तो विवर्द्धन्ते गणोत्तमाः ॥ 18 ॥  
 चारमन्त्रविधानेषु कोषसन्निचयेषु च ।  
 नित्यधुक्ता महाबाहो वर्द्धन्ते सर्वतो गणाः ॥ 19 ॥  
 प्राज्ञान् शूरान्महोक्ताहान् कर्मसु स्थिरपौरुषान् ।  
 मानयन्तः सदा युक्तान् विवर्द्धन्ते गणा नृप ॥ 20 ॥  
 द्रव्यवन्तश्च शूराश्च शस्त्रज्ञाः शास्त्रपारगाः ।  
 कृच्छ्रास्त्रापत्सु समूढान् गणाः सन्तारयन्ति ते ॥ 21 ॥  
 क्रोधो भेदो भयं दण्डः कर्षणं निग्रहो वधः ।  
 नयत्यरिवशं सद्यो गणान् भरतसत्तम ॥ 22 ॥  
 तस्मान्मानयितव्यास्ते, गणमुख्याः प्रधानतः ।  
 लोकयात्रा समायत्ता भूयसौ तेषु पार्थिव ॥ 23 ॥  
 मन्त्रशुक्तिः प्रधानेषु चारयारित्व-कर्षण ।  
 न गणाः कृत्स्नगो मन्त्रं श्रोतुमर्हन्ति भारत ॥ 24 ॥  
 गणमुख्यैस्तु सम्भूय कार्ये गणहितं मिथः ।  
 पृथग्व्यस्य भिन्नस्य विततस्य ततोऽन्यथा ॥ 25 ॥  
 पर्याः प्रत्यवसीदन्ति तथाऽनर्था भवन्ति च ।  
 तेषामन्योन्यभिन्नानां स्वशक्तिमनुतिष्ठताम् ॥ 26 ॥  
 निग्रहः पण्डितैः कार्यः क्षिप्रमेव प्रधानतः ।  
 कुलेषु कलहा जाताः कुलहृद्दैरुपेक्षिताः ॥ 27 ॥  
 गोत्रस्य नाशं कुर्वन्ति गणभेदस्य कारकम् ।  
 पाथ्यन्तरभयं रक्ष्यमसारं वाह्यतो भयम् ॥ 28 ॥  
 पाथ्यन्तरं भयं राजन् सद्यो मूलानि क्लन्तति ।  
 एकस्मात् क्रोधमोहाभ्यां लोभादाऽपि स्वभावजात् ॥ 29 ॥  
 अन्योन्यं नाभिभाषन्ते तत् पराभव-लक्षणम् ।  
 ज्ञात्वा च सदृशाः सर्व्वे कुलेन सदृशान्तथा ॥ 30 ॥  
 न चोद्योगेन बुद्ध्या वा रूपद्रव्येण वा पुनः ।

भेदाच्चैव प्रदानाच्च भिन्यन्ते रिपुभिर्गणाः ॥ ३१ ॥

तस्मात् सङ्घातमेवाद्गुर्गणानां शरणं महत् ॥ ३२ ॥

## TRANSLATION.

[Yudhishthira said.] “(6) I (now) desire to hear, O Leader of the Wise, of the nature of the *gaṇas* : (7) How the *gaṇas* prosper and how they avoid (the policy of) *Bheda* [disunion employed by the enemy], O Bhārata, and (why it is,) they aspire to conquer enemies, and also gain allies. (8) Disunion, it seems to me, is the root-cause of their destruction. (Again their) difficulty is, in my opinion, how to keep the resolutions of state secret on account of (their) large number. (9) I am desirous of listening to an exhaustive discourse on this subject, O Oppressor of Enemies. Tell me also, O Prince, how they might avert disintegration.”

Bhīshma said ; (10) “Greed and Jealousy, O King, are the two main provoking causes of enmity amongst the *gaṇas*, as well as amongst the *Kulas of Rājās*,<sup>1</sup> O Noblest of the Bhāratas. (11) One (of the *gaṇas* or *kulas*) yields to avarice, then follows jealousy, and the two  
 Leagues : their dangers.      entailing waste and decay lead to mutual destruction. (12) They oppress one another through spies, intrigues, and military force, by employing the policy of conciliation, subsidy and division, and by applying other means of decay, waste and danger. (13) The *gaṇas* which form a confederacy are divided by those means ; divided they become indifferent (to the common cause) and ultimately through fear they pass under the control of the enemy. (14) Thus, divided, the *gaṇas* would surely perish : separated, they fall an easy prey to the foe. *Gaṇas*, therefore, should always exert themselves through the system of confederacy.”

<sup>1</sup> Aristocracies like those of Patala : ‘for in this community the command in war is vested in two hereditary kings of two different houses, while a Council of Elders ruled the whole State with paramount authority.’ (Diodorus); also *Artha-Sūtra*, p. 35 :  
 कुलस्य न भेदाच्चैव प्रदानाच्च भिन्यन्ते रिपुभिर्गणाः । तस्मात् सङ्घातमेवाद्गुर्गणानां शरणं महत् ॥

<sup>2</sup> Cf. *Artha-Sūtra*, page 376 :—सङ्घातमिव तत्त्वाद्दृष्टवान् यद्विदुः । तान्मनुष्यान् सङ्घीयं नामदा-  
 नात्तान् । रिपुबान् (रिपुभिर्गणान्) भेदद्वयात्तान् ।

(15) 'Material prosperity is won by the prowess of the confederated army, outsiders also seek the alliance of confederate entities

(16 17) "In good *ganas* Elders-by knowledge encourage mutual subordination, behaving with complete straightforwardness (to one another), good *ganas* attain happiness all round Good *ganas* prosper for they establish valid legal procedures according to the Śīstras, and they are fair to one another

(18) Good *ganas* prosper because they discipline their sons and brothers (members,<sup>1</sup> along with the younger generation) and always train them, and they accept (only) those who have been well trained

(19) "*Ganas* prosper all sidedly as they always attend, O thou of mighty arms, to the working of the espionage service, to the matters of policy, and to the collection of revenue to the Exchequer (20) *Ganas* prosper because they always pay due honour to (their) officers who are wise, heroic, enthusiastic and persevering in the execution of their duties (2) Wealthy, heroic, versed in the Śīstras<sup>2</sup> and accomplished in the art of weapons, *ganas* help the help less ones (=members) across miseries and calamities

(22) "*Ganas* fall at once into the clutches of the enemy when driven by anger division absence of mutual confidence (lit fear) military violence tyranny, oppression and executions (amongst them)

(23) Hence the Leaders of the *ganas* are to be obeyed through the President } O King the jurisdiction to conduct the community should be mainly vested in them (24) O Reducer of enemies, (the department of) intelligence and the secret

<sup>1</sup> In Indian guild and caste associations even to this day members address each other brotherly which denotes equality

<sup>2</sup> This is a clear reference to the learning and cultivation of thought amongst the *ganas* an information which we have gathered from other sources as well.

of the resolutions of state should remain in the hands of the Presidents. It is not advisable that the whole body of the *gaṇas* should know those resolutions, O Bhārata. (25) The Leaders-of-the-*gaṇas* having assembled should adopt measures ensuring the welfare of the *Gaṇas*.

"The course is otherwise of a *Gaṇa* which remains aloof from others, has severed itself (from the confederacy), or which is (in) strained (relations with others). (26) Wealth dwindles down and misfortune follows on account of their division and on their falling back on their individual resources. (27)

"Criminal justice should be administered promptly and by men learned (in law), through the President. If disputes arise in the *Kulas* and the Elders of the *Kulas* remain indifferent, (28) they destroy the race (*gotra*) and dissolve the *Gaṇa*.

Internal danger ↘ "The internal danger is to be guarded against, the external one is insignificant. (29) For the internal danger, O King, is destructive of the very foundations in no time. (30) When (the members of a *Gaṇa*) cease to discuss amongst them on account of uncalled-for anger, on account of foolishness, or on account of natural avarice, there is the symptom of discomfiture.

Equality in *gaṇas* and its effect ↘ "There is universal equality by birth (in the *Gaṇas*) and also there is equality by *Kula*.<sup>1</sup> (31) They cannot be broken up by prowess or cleverness, nor again by temptations of beauty.<sup>2</sup> They can be broken up by enemies through the policy of division and subsidy only.

Confederacy recommended ↘ (32) "The great safety of the *Gaṇas* therefore is considered to lie in (the maintenance of) a confederacy only."

<sup>1</sup> *Kula*=family of *śāḍas*, referred to above in verse 10, or, family as a unit, as opposed to individuals. The distinction is still maintained in our social phraseology *ghar picḥḥe* and *pīṛḍī picḥḥe*, 'per household,' and 'per head' (lit per turban=every male member). More likely it refers to equality amongst aristocrats, otherwise it would be illogical after the mention of the universal equality by birth.

<sup>2</sup> अपहर्षश्च.

## CHAPTER XV

### Formation of New Republics

§ 125. Confining our attention to the period of the sixth and fifth centuries B.C., we not only find the Buddhists but also the Jains founding religious corporations in the very terms of politics. The Jaina-sūtras show individuals founding new *gaṇas* and *Kulas* which sometimes take the name of the founder and sometimes that of the place, e.g., *Godāsa Gaṇa* founded by Godāsa, the *Uttara Valissaha Gaṇa*, founded by Uttara and Valissaha conjointly, the *Uddeha Gaṇa* founded by Rohaṇa, the *Indrapūraka kula* founded by Karmardhi.<sup>1</sup> Likewise we know of schisms in the Buddhist Saṃgha, and we know also of the formation of new Saṃghas. The phenomenon of new foundations is not confined to the history of our religious 'republics.' The Mahā-Bhārata points out the great danger of disunion and schisms in republics. The authors of the Mahā-Bhārata were probably aware of such political breaches. The two Mallas<sup>2</sup> and the two Madras were probably results of this propensity.

§ 126. Apart from disruptive instances, we have instances of the formation of entirely new republics. The Kurus and the Pañchālas who had been under monarchies according to Vedic literature<sup>3</sup> and the Jātakas, adopt republican form of government

<sup>1</sup> Hoernle *Ind. Ant.*, XI. 246, XX. 347.

<sup>2</sup> The lower Mallas are called Dakṣiṇa Mallas in the *Sabbaparrava*, (Ch. XXXI. 12) which places the higher Mallas next to Kosala (XXX. 3.)

<sup>3</sup> See below § 108. Pt. II, p. 4.

about the fifth or the fourth century B.C. As we have seen they are described as republics in the Artha-Śāstra of Kauṭilya. Another instance, which has been already pointed out by Prof. Rhys Davids, is the change of constitution of the Videhas.<sup>1</sup> They had been formerly under monarchy according to Vedic literature and the Jātakas. Megasthenes states that republican form of government was thrice established and thrice changed into monarchy.<sup>2</sup> This tradition would have been current in one of the principal seats of monarchy of the Doab where ancient chronicles had been kept.

§ 126. We have, though a little later in age, yet certainly reflecting earlier established notions, republican Artificial stage coins struck either in the name of the Gaṇa, or of the country, and in one instance,<sup>3</sup> the gaṇa being described as the Protector (*trāta-sy*). We have thus reached the artificial country or territorial nation and abstract government. We find the Ārjunāyanas named after one man, the founder 'One of the family' of Arjuna (*Ārjunāyana*).<sup>4</sup> The national or the tribal basis had thus ceased to work fairly early, a basis which every ancient republic in sister races outside India was built upon and which also greatly operated in the establishment of the earliest republics in India as well, as implied by the references in the Mahā-Bhārata to the Vṛishnis and probably to the word *gotra* in Chapter 107 of the Śānti-parvan.

The recognition of the system of naming a corporate association after the founder or president helps us in investigating the origins of our republics. The village corporation was named after the grāmanī,<sup>5</sup> Vedic charanas were named after

<sup>1</sup> *Buddhist India*, p. 26.

<sup>2</sup> Mc Crindle, *Megasthenes*, p. 203.

<sup>3</sup> The Vṛishni Coin noticed above.

<sup>4</sup> See *Op.* on Pāṇini IV 2-53.

<sup>5</sup> See above, p. 15, n.

founders, religious bodies took the names of their first organisers, and so did many of our republics

As remarked (IV. 2 53) above, the constitution of the Vedic period was monarchical. Megasthenes also, as we have seen, notes the Hindu tradition current in the fourth century B C that after monarchy came the republican form. All these data indicate that the republican system is post-Vedic and artificial, that it is post-tribal and philosophic. Take also the names of technical constitutions: *Vairājya*, literally 'kingless-system', *Svarājya*, 'self-ruling (system)', *Bhaujya*, 'temporary rulership (system)'. These names are not derived from tribes, it was not that the tribal names gave names to forms of government. The names of constitutions are artificial, philosophic. The tradition that there was first monarchy is supported by the Vedas; the tradition that monarchy was rejected and democratic forms of government set up is supported by the *Āitareya Brāhmaṇa*.

§ 127 Again, in view of the above conclusion, take the tradition of the *Purāṇas* that *Yaudheya* and *Madrā*, two cadets of a monarchical house in the Middle Country, went out to the Punjab and founded states called after their names. This *Purāṇic* history is in full agreement with known facts: corporate institutions were named after founders. The *Madras* and the *Yaudheyas* thus were not tribes, but states and artificial, 'political tribes,' like the artificial, religious *Sākya* putras. It was the state in these two cases which gave the name to the citizens, a name which was artificially tribal, or in modern phraseology a name which denoted Political Nationality as opposed to what we may call tribal nationality. In the light of this discussion, we can understand the remark of the ancient grammarian (probably *Vyāḍi*) quoted by *Patañjali* 'Kshudraka-Mālavās are not *gotra* names,' i.e., family

1 See above p. 71 n

names) Like the Madras and Yaudheyas these were political nations, members of states called after two personal names. We have the additional evidence of Pāṇini that martial states had men of all castes not one *gotra* or tribe. The *Arājaka* democracy also, according to the *Mahā-Bhārata*, was not based on tribal but legal and communal basis. Many more of the republics had originated like the Yaudheya and Madra, Mālava and Kshudraka, under purely non tribal conditions. The later states (Ch. XVIII) like *Śālankāyana*, *Ārjunāyana* and *Pushyamitra* bearing personal names and names of recent origin further illustrate the practice.

§ 128 At the same time it cannot be asserted, as already stated, that no tribal element is to be found in any of the Hindu republics. Basis of every state has been in all ages and in all climes, to a great degree ethnic—tribal or national. The real question is whether a state organization is yet tribal—primitive, habitual and customary, or it is the outcome of intelligent thinking, of theories, of conscious experience and experiments. The stage when State is felt to be based on contract and the ruler is regarded to be a servant of the ruled and when political loyalty (§ 118—119) is even open to strangers, is a high water-mark of constitutional development. Voting and ballot-voting, motion, resolution and legislation, legalism and formalism in procedure of deliberation, are other indices of that stage.

Constitutions gave distinctive marks to individual political community and converted it, so to say, into artificial tribes. It, therefore, becomes very difficult to distinguish between real tribes and artificial tribes, the ethnic *gotra* and the political *gotra*. Probably the early *Sātvats* were originally a real tribe as the description of the *Vṛishnis* and *Andhakas* in the *Mahā-Bhārata* would indicate. But the 'Country of *Rājanya* (Elected Ruler), *Rājanya-Janapaḍa*, was evidently a political tribe, a

Distinction between  
tribal and artificial  
organizations



political community, a creation of constitution. So was the 'Mahārāja-Janapada.' *Janapada* in such cases becomes a political unit, probably a city-state. The Rāshṭrikas and Bhojas were, likewise, creations of constitution. The Kāṭhas, on the other hand, might have been originally a tribe, [as Patañjali's expression *Kāṭha-jāṭiyāḥ* may denote. *Jāti*, however, may be a secondary character. *Birth* (*Jāti*) in a *gaṇa*-state was deemed to confer equality in citizenship on a free man. *Kāṭha-jāṭīyas* and *Kāṭha-deśīyas* may thus signify only 'men born in the Kāṭha country,' 'men of the Kāṭha-country,' and the Kāṭha-country and Kāṭha-state might have been called after one Kāṭha, the political founder. The other examples of Patañjali, go to support this view, viz., Karaka-jāṭīyas, Karaka-deśīyas, Sraughna-jāṭīyas, Sraughna-deśīyas. Sraughna and Karaka were both place-names, not tribe names. Karaka was evidently derived from a river, e.g., in Pāras-kara (trans-Kara district). *Jāti*, here and in Pāṇini, VI. 3. 41, very likely means 'birth', not caste or nation.] At the same time it is not incompatible with the advanced stage of constitution-making that a community which had been originally a tribal unit and still retained traces of its former organization, should adopt an advanced constitution. But to call all these republics tribal organizations, or 'tribal republics' would be unscientific. Every state in ancient Rome and Greece was 'tribal' in the last analysis, but no constitutional historian would think of calling the republics of Rome and Greece mere tribal organizations.

<sup>1</sup> On P. VI 3. 42; Kielhorn, III, p. 157.

## CHAPTER XVI

### A Retrospect of the Period of Rise

§ 128 Thus we find Hindu republics existing and flourishing as early as the age of the *Āitareya Brāhmaṇa*.  
Āitareya Brāhmaṇa  
to Kautilya
 Ancient Hindus had already developed technical constitutions of various classes with special procedures of *abhisheka* for each class. They must have experimented in those systems for some centuries before the composition of the *Āitareya Brāhmaṇa*.<sup>1</sup> Now the date of this Vedic work is to be regarded as *cir* 1000 B.C. It knows King Janamejaya, son of Parikshit whom it mentions towards its end. The history of the *Uttara Kurus* also points to an early date of the *Brāhmaṇa*. The *Uttara Kurus* in later Vedic literature become a mythological people with a mythological country, while in the *Āitareya*, as we have already seen, they are a historical community. According to the *Āitareya*, the greater portion of Aryan India—North, West and South, was covered with republican constitutions. Only in the middle, in the Midland (the *Madhyadeśa*), monarchy prevailed. The Midland extended from the Kuruland (the district of Delhi) up to Allahabad the Doab between the Ganges and the Jumna. Further east in the *Prāchī* (with its centre in or about Magadha), there was according to this *Brāhmaṇa* the constitution called *Sāmāyaya* which literally means 'a combination of monarchies,' i.e., a federal imperialism around one dominant member. Except the Doab and Magadha

<sup>1</sup> The Monarchies named there in the *Āitareya* are the Kuru, Panchāl, Uśānara and Vāśā.

the whole country was republican. Such was nearly the case also in the time of the Buddha, as it appears from Pāli authorities. In his time states in Aryan India, according to the Avadāna-Sataka, were divisible into the classes 'those subject to Gana rule' or republican, and 'those subject to royal rule' or monarchical (*lechid deśā Ganādhināḥ, lechid Rājadh nāḥ*).<sup>1</sup> This order, in which the republican countries are placed first, according to the well known Sanskrit usage, connotes that preponderance in number rested with the republican form.

(North and West and South West were still mainly republican in the time of Alexander. Republics here, therefore, have had a career of about one thousand years at least when Chandragupta ascended the imperial throne.)

This was the most flourishing period of the Hindu republics. For national prosperity the Uttara Kurus become proverbial. For learning the Madras and the Kathas, for bravery the Kshudrakas and the Mālavas, for political wisdom and valiant independence the Vrishnis and Andhakas, for power the Vrijis, and for the philosophies of light and equality, for the emancipation of the low the Sākya and their neighbours, stamp their indelible marks on national life and national literature of Aryan India during that period.

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<sup>1</sup> See above § 26 p. 31

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### III

## HINDU REPUBLICS

### (b) DECLINE AND DISAPPEARANCE

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## CHAPTER XVII

### Republics under the Mauryas

§ 129. /The empire of the Mauryas included the republican areas. / Greek writers say that Chandragupta won Arachosia and Aria from Seleucus.<sup>1</sup> Aśoka in his inscriptions tells us that Antiochus was his neighbour.<sup>2</sup> Antiochus held Syria and Persia. The Maurya empire thus extended up to Persia in the north-west. In the south it extended up to the Tamil country.<sup>3</sup> | What was the fate of the republics under this gigantic monarchical system? To understand this, let us first examine the Maurya policy towards republics. Kauṭilya makes an excellent statement of that policy :—

*'Acquisition (conquest) of a Saṃgha,' says Kauṭilya, 'is more desirable than an alliance of goodwill or military aid. Those which are united (in a league) should be treated with the policy of subsidy and peace, for they are invincible. Those which are not united should be conquered by army and disunion.' Then the policy of division is detailed ending with 'thus should the Monarch (Ekarāja) behave towards the Saṃghas' etc.*<sup>4</sup>

<sup>1</sup> See passages quoted by V. Smith, *Early History of India* 3rd ed pp. 149—151

<sup>2</sup> Rock Series II

<sup>3</sup> Proved by the site of the Maasi 'edict'

<sup>4</sup> मङ्गलान्ते दण्डमित्रताभावाद्भुक्तम् । सद्भाविनश्चतुर्दश्यान् परेषां तावदुपयान् मुक्तोऽसदभावात् । द्विगुणान् (read द्विगुणान्) मेददण्डाभ्यम् । Artha Śāstra, p. 376 चतुर्गुणान् will be opposed to त्रिगुणान् । त्रिगुण gives no satisfactory meaning. It can give the meaning 'league of two,' but they will be Anugunas. Hence I have proposed the above correction. The further use of त्रिगुण in the same chapter, e.g., at p. 379 and the total absence of त्रिगुण in the discussion support my proposal. Mr. Shama Shastry's rendering of चतुर्गुणान् as those 'favourably disposed' is far wide off the mark. AS, (Ch. XI)

<sup>5</sup> Details of the method of creating disunion are given in pp. 376—79 ending with मङ्गलान्ते दण्डमित्रताभावाद्भुक्तम् । see also 'Rājā' in कण्वद्वयान्ते द्वे द्वौपय राजा etc., p. 376.

In other words, the Maurya policy was to allow honourable existence to those republics which were strong and united in leagues (for these were 'difficult to be conquered') Those which were isolated were to be weakened by a policy of internal division and then reduced by force }

Evidently many of such isolated states had already come under the control of the Maurya empire when the Artha Śāstra was composed. The status of the confederate republics varied according to their strength. Some of them were treated on terms of equality while others were subsidized and probably expected to render military assistance, for 'acquisition of army' from them is a condition contemplated as against pure alliance (मित्रनाम). The result of this policy was that the stronger republics survived the Maurya imperialism, while the weaker ones succumbed. The Kshudraka, the Mālava, and the Vriji states which appear in Kātyāyana and Patañjali as sovereign states and in flourishing condition, existed on account of leagues and so did the Rāshṭrikas and Bhojakas who fight jointly against Khāravela in the time of Patañjali.\*

§ 130 In the light of ascertained facts of the constitutional history of the time of Kautilya and Alexander the Great we can now understand the inscriptions of Aśoka better on a point. We have to recognise the republican character of many of the political communities mentioned by Aśoka in his inscriptions.

In Rock series section V Aśoka enumerates —

- (1) the Yonas
- (2) the Kambojas,
- (3) the Gāndhāras
- (4) the Rāshṭrikas,
- (5) the Pīṭinikas,
- (6) and other aparāntas (Girnar version)

\* *Mañjunātha* on Pāṇini I 2 45; and on V 3 52

\* *Harivamsha* Inscription of the Emperor Ashvatara J B O R S Vol III p 451

In the Kālsi edition, only 1 to 3 are named with the addition 'and other *aparāntas*' In other words, Aśoka designates the whole<sup>1</sup> (1) to (5) to be '*Aparāntas*'.

Against these in Rock Series XIII we have :—

- (1) the Yonas,
- (2) the Kambojas,
- (3) the Nābhaka and the Nābha-panktis,
- (4) the Bhojas,
- (5) the Pitinikas,
- (6) the Andhras and the Pulindas

Instead of *aparānta* they are predicated with 'here, amongst the *rāja-vishayas*'<sup>2</sup> We know that 2, 4, and 5 had non-monarchical constitutions. Now, two questions present themselves. What constitutional position do they occupy in the system of Aśoka's empire? Are these three, the Kambojas, the Rāshtrika Bhojas and the Pitinikas, the only republican communities in the group? To answer these questions we have to examine the inscriptions critically.

§ 131. What is meant here by *aparāntas* and *rāja-vishayas*? *Antas* in Aśoka's proclamations mean 'neighbours' (neighbouring states), following that *aparāntas* can mean literally two things (1) 'the neighbours of the west,' or (2) 'the hinter neighbours,'—the states on the frontiers of Western India, or states inside. If we take *Aparāntas* in its later sense, it may simply mean Western End or Frontier of the Country i.e. Western India. The Bhojas and Rāshtrikas and presumably the Pitinikas, did belong to the country called *Aparānta*, or Western India. But by no license the Yonas and the Kambojas who were in Afghanistan, can be called *aparāntas* in the sense of Westerners. That region is always called 'the North'

<sup>1</sup> १५ राजविषयसिद्धिः । (Günar), Senart J R A S. 1900. p 337

in ancient Indian literature Nor could the Gāndhāras be called 'Westerners' They were always counted in the North (*Udīchi, Uttarāpatha*) We have therefore to give up the 'western' meaning

Then, they in Section XIII are predicated with 'here' which means inside the limits of Mauryan Empire, as opposed to the *antas* outside, like Antiochus, Cholas, etc The first meaning of a *parāntas* being inadmissible, we must take the other one, 'states inside' This corresponds and agrees with the 'here' of Section XIII The two groups are identical in predication 'inside' or inside neighbours'

§ 132 Let us now examine the *rāja-vishayas* Asoka *rāja vishayas* always refers to his territories in the first person possessive He speaks of 'my empire' It will therefore be against his known usage to call his countries 'royal countries' He would have said, if he meant it, 'my countries,' 'my *vishayas*' and not '*rāja vishayas*' Further, there is no occasion to refer to his countries or provinces, as he has in the same sentence already said 'throughout my empire' '*Rājavishayas*' here is equivalent to the *aparāntas* of Section V *Rājavishayas* should be interpreted as 'ruling (or 'sovereign' countries) (or districts), inside the empire The 'inside neighbours' here equals the 'ruling *vishayas*'

§ 133 The republics of this group, the 'ruling *Vishayas*' or the home neighbours (*aparāntas*) of Asoka were thus of the status which deserved the policy of peace or subsidy from the imperial Monarch They were self governing states within the imperial territorial limits The list, of course, is not exhaustive, the emperor is mentioning only those '*ruling Vishayas*' which had accepted Buddhist teachings Apparently Aśoka was not so successful with the *Rāshṭrikas* as with the *Bhojas* for he notes the latter in Section XIII amongst the places which were inclined to accept the Dharma teachings, while in Section V the *Rāshṭrikas* are noted amongst those where Aśoka's missionaries were busy



§ 134 The Gāndhāras had already separated before Alexander's time from Takshāśilā, its former Capital. In 326 B C they were monarchical. Young Porus, a nephew to the great Porus, was their king. But the question of the constitution of the Gāndhāras does not arise, although we have evidence of their being republican about 200 B C.<sup>1</sup> In Section XIII of the Rock Proclamations in place of the Gāndhāras 'the *Nābhāka* and the *Nābhāpanktis*' have been substituted. These were either neighbours of the Gāndhāras or some sub divisions thereof. The *Nābhāpanktis* ('Nībha lines') were like the *Agrāśrenis*, and the Three Yaudhevas or Three Śīlankayanas, i.e., a league of the Nībhas. In one edition of Aśoka's inscriptions they are called *Nābhutina* which may mean the Three - Nābhas.

§ 135 Up to this time the *Nābhāka* has not been identified. I find the name in the Ganapātha on Pāṇini IV 1 112 as *Nābhāka*. The rule before IV 1 112 deals with derivatives from republican names, and, that after, from river names. The Ganapātha on Pāṇini IV 1 112, gives an enumeration or group called 'Śiva and others' which contains names of *ṛishis* and founders of families (e.g., Kakutsthā, Kohadā, etc.), royal dynasties (e.g., Haihaya), rivers (Gangā Viprā) and a lot of obscure proper names. Along with Pitaka Triakshākā, are given *Nābhākā* and *Ūrnat-Nābha*. The *Ūrnat-Nābhas* appear also in the republican group of the Rājanyas, Ārjunāyanas etc.<sup>2</sup> *Nābhāka* was probably a national title derived from the *Nābhā* people. The "Nābhā lines" (*Nābhāpanktis*)<sup>3</sup> which were evidently non monarchical, were probably identical with the *Ūrnat-Nābhas*, the Nābhas of the 'woollen' country. Gāndhāra was famous for its wool.

<sup>1</sup> The Gāndhāras instead of a king have Malliyas in the MBh U P, Ch 16<sup>th</sup> Parashara (P. IV 2 52) puts them along with the Vasātis and Śibis whom we know to be republican.

<sup>2</sup> On Pāṇini IV 2 33.

<sup>3</sup> Compare 'rows' lines or 'rows' and its interpretation in Ch. XVIII (Pl. II).

§ 135 What was the constitution of the Pulindas?

Pulindas

They were a Dravidian people in the neighbourhood of the Rāshṭrikas and the Bhojas. With the Dravidians, the normal constitution was monarchy. The Aitareya Brāhmana says that it was from the Asuras that the institution of monarchy was copied by the Hindus when they were at war with the former.<sup>1</sup> Were the Pulindas influenced by the Aryan example of their neighbours? Asoka does not call any of the group a kingdom but a 'ruling country' or district. There is the definite evidence of the Kūśīkū and the Brihat Samhitā that the Pulindas were a Saṅgha.<sup>2</sup>

§ 136 As to the Andhras, the problem is more difficult

Andhras

There is no corroborative evidence about them. Two generations before, in the time of Chandragupta, the Andhras were a great kingdom, second in power only to Magadha.<sup>3</sup> But under Aśoka we find them 'a ruling country' within the precincts of Aśoka's empire. It seems that the Andhra power had been broken under the reign of Bindusāra. Asoka's father, who is credited with having carried on the policy of his father, Chandragupta in unifying India between the eastern and western oceans, he is said to have annexed sixteen Capitals.<sup>4</sup> This must point to the land of the Southern Deccan, as the area above it had already been under Chandragupta. After victory, the Maurya politicians (Kautilya is said to have been alive) seem to have removed the royal family of the Andhras, and probably as a compromise allowed self government under some Saṅgha constitution.

Six out of the eight rājya viśhayas are known to have been republican.<sup>5</sup> Of the other two there is hardly any doubt

<sup>1</sup> See *infra* Part II pp 4-5

<sup>2</sup> *Kaśīkūśīkū* Panini V 3 114 p 456 BrS V

<sup>3</sup> See reference to Ping in V Smith *Early History of India* (3rd edition) p 205

<sup>4</sup> Jayaswal *The Empire of Bindusara J B O R S Vol II 1*

<sup>5</sup> For the Yavanas see below §§ 137-140



things, the vexed chronological question raised on the mention of Yavanānī in Pāṇini.]

§ 138. The Kabul-Yavanas had been organised in a city-state of the Indian republican type in the time of Alexander—a fact which comes in perfect harmony with the description of Aśoka's *rāja-vishaya*. These were probably Perso-Greeks—Greeks or Ionians who had moved and immigrated under the suzerainty of the Persian Empire. The name of their city, Nysa, is a strong evidence of their Persian connection. They had been Hinduised; Alexander's companions first regarded them as Indians. As stated by the Macedonian writers the Nysians claimed to have been Greek in origin. They knew their Greek gods and Greek mythology and tradition.<sup>1</sup>

§ 139. Their state was organised as an aristocracy and their President was called the *Akoubhi*. This word seems to be connected with *Kubhā*, the Vedic name for the Kabul river. It means ['the Leader] of the People by the *Kubhā* (*A-Kaubhi*). Alexander's companions were convinced of the ethnic claim of the Akoubhis and they passed ten days in Hellenic revels with them. Unless the Akoubhis had been Greek in origin they could not have been able to show such intimate familiarity with matters of Greek mythology as they did and could not have convinced the Macedonians of their claim of kinship.

§ 140. From the treatment of the Yavanas, the Kambojas, the Andhras, and the Pulindas in Manu and the Mahā-Bhārata, it appears that their republics soon lost their independence, and losing it they lost their social independence as well, and were absorbed into Brahmanism under a degraded caste-status—for the Hindu can visualise human organisations only in terms of caste. The result therefore was that these races were reduced into mere degraded castes living under Hindu rulers.

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<sup>1</sup> Arrian, Bk. V. Chap. I.; Arrian, *Indika*, I. where Arrian without any doubt treats them as Greeks or Indo-Greeks.

## CHAPTER XVIII

### Republics in S'unga Times and later

§ 141. In the S'unga period we have some of the old republics that survived the Mauryan policy. These, as observed above, were mostly powerful leagues. There were, however, some individual republican states also in the S'unga period. Most of these, now known from their coins, appear to be new states. The majority of the older states do not come on the stage again; and the necessary conclusion is that they were obliterated during the Maurya imperialism. Their next destroyer was the foreign rule of the Northern Satraps who had their seat at Mathurā. The presence of these barbarians leads to a new phenomenon in the history of Hindu republics, namely, migration of the stronger republics to Rajputana.

§ 142. The Yaudheyas were one of the older class.

Yaudheyas They not only survive the Mauryan empire but also the Satraps and the Kushāns. There is evidence of their long life both in the coins struck by them and the inscriptions making adverse references to them. The atmosphere of the Second Century A.C. is full of their military glory. Rudradāman in the second century A.C. describes them as "*rendered proud, as they were, by having manifested their title of heroes among all Kshatriyas*" and "*who cannot be subjugated*".<sup>1</sup>

They appear in the inscription of Samudragupta<sup>2</sup> amongst the group setting limit to the Gupta Empire (fourth century

<sup>1</sup> मरवावायिष्मन्-मौर्यसम्राटोक्तं क्षत्रियैर्वासां योदेवासा—*Ep. Ind.*, VIII, p. 44.

<sup>2</sup> *Elect. Gupta Inscriptions*, p. 8: देवाण-मह'गुप्तसम्राट्पुत्रसिंहोदयस्य नादय-योदेवासा...

A C) There is a unique inscription of theirs in an ornate script discovered in the State of Bharatpur<sup>1</sup> mentioning the elected president ('who has been made the leader,' Fleet) of the Yaudheya gana. This is taken to belong to the Gupta period.

Their coins which extend from the Sunga period to the fourth century of the Christian era, are found in the Eastern Punjab and all over the country between the Sutlej and Jumna rivers. Two large finds have been discovered at Sonpat between Delhi and Karnāl<sup>2</sup>.

It seems that before the second century A C they had already moved towards Western Rajputana as it is there that Rudradāman encountered them, his own dominions including Maru. Evidently the Yaudheya territory was very large. They seem to have left their original seat in early Kushān times.

§ 143 On one type of their coins (Sunga period) they stamp the figure of a moving elephant and that of a bull. And the coin is struck in the name of the Yaudheyas 'Yaudheyānām,' 'Of the Yaudheyas.' On the second type they give the representation of the God Kārttikeya, the presiding deity of Heroism and War and name him on the coin. In fact the coin itself is significantly dedicated to the Deity of Heroism. In other words, the figure is their *La Liberté*. The third type is purely constitutional. It is struck in the name of the Yaudheya gana or Yaudheya Parliament [or Republic] (*Yaudheya Ganasya jaya* 'Victory of the Yaudheya Gana'). The figure on it is a warrior with a spear in the pose of a dignified '*tri bhanga*'—representing the type of their citizen soldier. Some coins bear "dvi" (two) and some "tri" (three)<sup>3</sup>. These probably refer to their three sections, like Patañjali's *trika Sālankāyanas*<sup>4</sup>.

<sup>1</sup> Fleet, *Gupta Inscriptions* p 201 he bore the title of *Maharāja Mahā Senapati*

<sup>2</sup> माधवी खानिन ब्राह्मणदेवस्य । V Smith *Cat of Coins I M* Vol I p 181

<sup>3</sup> Cunningham *C A I* pp. 75—79 Cunningham, *A S R* Vol XIV, pp 141—42

<sup>4</sup> Patañjali on Pāṇini V I 58

§ 144. The inscription of the Yaudheyas proves that they had an elected President. The order is issued by him describing himself as the President made by the gana of the Yaudheyas<sup>1</sup>. It is not clear whether the records found in the district of Hoshyarpur are impressions of official seals or coins. Of course, the coin and the seal would bear the same l a k s h a n a s—the l a k s h a n a s of the Samgha. The constitutional significance of the records is of great value. They are in the name of the Yaudheyas and their cabinet or executive committee. The latter are called '*mantra-dharas*'—'those vested with the policy of state:' ('*Yodheyāṇaṃ Jaya Mantradharāṇaṃ*.')<sup>2</sup>

§ 145. The Yaudheyas are lost to history some time before the seventh century. For Varāha-Mihira gives the traditional geography and has no living fact before him when he places them with the Gandhāras. The J o h i y ā Rajputs who are found on the banks of the Sutlej along the Bāhawālpur Frontier have been identified as modern representatives of the ancient Yaudheyas.<sup>3</sup> This identification appears to be sound both on philological and territorial grounds.

§ 146. The Madras who originally had their capital at Sākala and who gave their name to the country around Sākala, also migrated downwards and became a neighbour of the Yaudheyas.\* They too fought Samudra Gupta. Their further history is lost and they disappear like their friends. The Madras seem to have been too conservative

<sup>1</sup> Bijayagadh stone inscr. (J. Fleet, *G. I.*, p. 252) विहयं । यौधेय-गण-पुरोहितः महापतिः-

महापतिः पु.....महाप-पुरोहितः वासिष्ठानं महीरादिकुमरं पट्टवा लिङ्गल्लिङ्गा.....

"Success! Of Mahārāja, mahā-senāpati....who has been made President [leader] by the

"Yaudheya Parliament .....

"(He) after wishing health to the Brahmin head-man and to the

"Settlement writes: 'There is.....'

<sup>2</sup> *Proceedings A. S. B.*, 1881, pp. 138-40

<sup>3</sup> Cunningham, *A. S. B.*, Vol. XIV, p. 140.

to take to the new system of issuing signed coins. They adhered to the old punch-marked : they have not left a single specimen of inscribed coins.

§ 147. The Mālavas and the Kshudrakas re-appear in the Śuṅga times. Patañjali knows them <sup>Mālavas and Kshudrakas</sup> and mentions some victory of the Kshudrakas which they by themselves had won.<sup>1</sup> But in subsequent centuries they are no longer traceable. They were probably fully amalgamated with the Mālavas during their migration from the Punjab to eastern Rajputana. The Mālavas were in their new homes about 150-100 B.C., as evidenced by the earliest type of their coins found at Karkota Nāgar (Jaipur State)<sup>2</sup>. This was just the time of the inroad of the Parthian Śakas. The Mālavas seem to have migrated *via* Bhatinda (Patiala State) where they have left traces of their name (in 'Mālawāi' dialect extending from Ferozepore to Bhatinda, LSI., IX. i, p. 709.) Before 58 B.C. the Mālavas are found besieging the Uttamabhadras to the west of Ajmer which was relieved by the forces of Nahapāṇa.<sup>3</sup>

§ 148. In 58 B.C.<sup>4</sup> Nahapāṇa is defeated and killed by Gautamīputra who re-struck Nahapāṇa's coins, and the Gana of the Mālavas counted the beginning of Kṛita from that date.<sup>5</sup> Their Gaṇa adopted the date to measure future time (Kāla-jñānāya<sup>6</sup>). The era was 'made authoritative by their use'. The authority of that Era of Prowess (*Vikrama*) still reigns : we use it to this day. The Mālavas subsequently covered the whole of the vast area to the south of Nāgar, which permanently bears their name. They are mentioned in the list of Samudra Gupta's opponents along with other republicans, the Yaudheyas,

<sup>1</sup> Patañjali on Pāṇini, V 3. 52.

<sup>2</sup> V. Smith, *Catalogue of Coins in the Indian Museum, Calcutta*, Vol. I. p. 161.

<sup>3</sup> Cunningham, *A. S. R.* Vol. XIV p. 150.

<sup>4</sup> *Epigraphia Indica*, Vol. VIII, p. 44. Jayaswal, *Historical Position of Kalki*, etc. 1A. 1917, p. 151—2

<sup>5</sup> See references to Kṛita in *Gupta Inscriptions* having dates in Mālava years.

<sup>6</sup> I lect *Gupta Inscriptions*, p. 154

<sup>7</sup> *Epigraphia Indica*, Vol. XIX p. 320 ( श्री माहव-गणायति प्रसक्तं कृत-संज्ञके )



the Madras, the Ārjunāyanas, etc. In the Gupta period they retire into the Unknown. Their era was used by great sovereigns of Mālava from the fourth to the sixth centuries. This would not have been done if the Mālava gana had been still subsisting, for that would have denoted subordination of the sovereigns using the era. They certainly did not exist in the time of Varāha-Mihira (who drawing on older materials) places them near the Himalayas. Varāha-Mihira himself was living in Mālava, and to use so antiquated a datum shows that the real Mālavas had for some centuries ceased to exist. The Vishnu Purāṇa<sup>1</sup> gives their later habitation (Mewar Jaipur) and gives it correctly.

§ 149 The coins of the Mālavas<sup>2</sup> bear legends in Brāhmī *Mālarānām Jaya* ('Victory of the Mālavas') or, '*Mālava Jaya*' ('the Mālava Victory'), '*Mālavahna Jaya*' ('Victory of the Mālavas,' in Prākṛita), and '*Mālava-ganasya*' (Of the 'Mālava-gana')

The story of the name still survives in the close community of the Brāhmins called 'Mālavis'—now Sanskritised as *Mālaviya*—a fair and handsome people with marked intellectuality and sharpness of business intelligence. They do not marry outside their own community. They had a colony as far removed as the vicinity of Allahabad and are now found in towns near about

§ 150 In the later Mālava area the Śibis also appear. The

Śibis<sup>3</sup> were associates of the Mālavas in the time of Alexander as a very rude people, or at least, wearing very rude dress in war, on the authority of the Greek writers. They seem to have migrated with the Mālavas into Rajputana where at Nagari near Chitor their coins are found. They are struck in the name of 'the Country (or Nation) of the Śibis of Madhyamukā' ('*Madhyamikāya Śibi Janapadasa*')<sup>4</sup>

<sup>1</sup> Vishnu Purāṇa, W. & H., II 123.

<sup>2</sup> CCIM., pp. 170—4

<sup>3</sup> Cunningham, *ASR.*, Vol. XIV p. 140. Madhyamikā (known to Patañjali) was their Capital.

No record of theirs of a period subsequent to the first century B C has yet been discovered

§ 151 The *Ārjunāyanas* as a people do not appear in *Pāṇini*<sup>1</sup> or *Patañjali*, nor in the *Mahā Bhārata*<sup>2</sup> *Ārjunayanas* But they are added to the *Rājanya* group of the *Ganapātha*, palpably later as they come towards the end The addition cannot be later than the time of *Patañjali*, for in 100 B C they are in *Rajputana*, away from the *Rājnyas* There they figure with the *Yaudheyas* and others down to the time of *Samudra Gupta* The *Ārjunāyanas* seem to be thus a younger political community founded about the *Sunga* times (200 B C), by, as the name implies, *Ārjunāyana* Their coins are inscribed only in *Brāhmī* script, a fact excluding the idea of northern association about 100 B C They bear the legend '*Ārjunāyanana*' Com of the *Ārjunāyanas*' or '*Arjunayanana Jaya*', ('Victory of the *Ārjunāyana*')<sup>3</sup> They are associates and friends of the valiant *Yaudheyas* *Madrakas*, and *Mālavas* in *Rajputana* with whom they migrated there

§ 152 This migration from the fertile lands of the Punjab to dreary *Rajputana* is the meaning of the republican migration testimony to the love of liberty which these unconquerable republicans bore 'more than others' as one of them put it in the time of *Alexander*<sup>4</sup> They believed that the *Yaudheya* Country or the *Mālava* Country was wherever the *Yaudheya* or *Mālava* Gana lived and lived as of yore in freedom They would sacrifice paternal homes and lands to preserve their political self and soul They would go to deserts but live in democratic glory and rule in parliament It is a settled principle of Hindu politics that freedom is more important than

<sup>1</sup> It is for the first time found in the *Ganapātha* on *Pāṇini* IV 1 112

<sup>2</sup> See discussion in § 153 on the *Mahā Bhārata* republics of *Rajputana*

<sup>3</sup> V Smith *Catalogue of the Coins in the Indian Museum* I p 166 *Rajson* IC Pl III 20

<sup>4</sup> *McCrindle Alexander* p 154 For they were attached more than others to freedom and autonomy in the address of the *Mālavas*

home and is to be preserved at the cost of the latter<sup>1</sup> The republics seem to have fully acted upon this principle

§ 153 In addition to the evidence of the coins and the inscriptions on the question of migration of these republics to Rajputana there is the evidence of the Mahā-Bhārata.

Rajputana repub-  
lics in the Mahā  
Bharata

In the Sabhā-Parvan (Ch XXXII), the Mālavas, the Śibis, and the Trigartas are placed in Rajputana (*M a r u*), while in another place (Ch LII) they are in the Punjab Evidently Chapter LII (describing the Rājāsūya) is based on earlier authorities There the Śibis, Trigartas, Yaudheyas, Rājanyas, and Madras are mentioned along with the people of Kāśmīra and Kekaya, and the Ambashthas are placed in the same group as the Kshudrakas and Mālavas In Chapter XXXII (in the Digvijaya) the Śibis, Trigartas and Mālavas are given along with the Daśārnas and Mādhyamakeyas The Mādhyamakeyas were the people of the town Madhyamikā near Nagari in the Udaipuri state where Madhyamika coins have been found in large numbers Evidently Madhyamika had not yet passed under the Śibis and was at the time the seat of a separate political community In the route onwards the river Sarasvatī and the Matsya Country (Alwar) are mentioned All these Ganas then were in Rajputana extending between Sind and the Vindhya It is noticeable that though the Śibis, Trigartas and Ambashthas do appear with the Mālavas in Rajputana, the Kshudrakas do not

§ 154 The Mālavas in Chapter XXX, verse 8, are again mentioned with the Matsyas The later data of the Mahā-Bhārata evidently relate to the state of affairs about 150 B C, while the earlier ones refer to the period of Kautilya or earlier, for like the Artha Sāstra it places the Kukuras along with the Madrakas, Yaudheyas and others The republics were still in the Punjab according to Ch LII

In the data of 100 B C *z c*, in Chapter XXXII, some

republics are mentioned in the Mahā-Bhārata which we have not met with in earlier literature. They are :—

(1) The Ganas of *Utsava-saṅketas*.

(2) The republic of the *Sūdras* and that of the *Ābhīras* who are placed in the Indus valley.

The Sūdra republic is evidently the same whom Alexander met in Lower Sind and whom we have identified<sup>1</sup> with the Brahminical Saudras or *Saudrāyanas* of the Ganapātha. According to grammar it was based on the proper-name (of a man) *Sūdra*, not the caste name. The Five *Karpatas* and neighbours of the Utsavasanketas may have been republican although they are not described as such in the Mahā-Bhārata. Samudra Gupta<sup>2</sup> places the Ābhīras next to the Mādrakas, and the *Kharaparikas* also in the same group, i.e., the group of non-monarchical communities. Probably these Kharaparikas or Kharaparas are identical with the Five Karpatas of the Mahā-Bhārata. The Utsava-Saṅketas were republican, probably founded by two men Utsava and Saṅketa. We may, however, point out that *saṅketa* is a technical term denoting an act or resolution passed by a republic (सङ्केतः समसङ्गित्या),<sup>3</sup> and it is just possible that 'saṅketa' here originally denoted a state 'founded' by a resolution of the Utsavas. The Utsava saṅketas are located in the Mahā-Bhārata near Pushkara or Ajmer. They do not seem to come down to the time of the Guptas. Not only they are not mentioned in the Gupta records, they are treated as a semi-mythological people of the Himalayas by the Gupta poet, Kālidāsa. This would

<sup>1</sup> Pt. I p. 74 n. 3

<sup>2</sup> The other non-monarchical communities in Samudra Gupta's inscription are (1) the *Prāṇjūnas*, (2) the *Kakas*, (3) the *Ābhīras*, (4) the *Kharaparikas* and (5) the *Saṅketa-saṅketas*. Kautilya in laying down punishment for defaming a country (*janapadapariddhā*, III 18) gives in illustration *Prājiṣṭhaka*, along with *Gāndhāra*. That is identical with (1). The (3) had been under monarchs according to inscriptions; having been broken down in power they seem to have copied the constitution of their neighbours. The name of the (4) has been traced in a later inscription by R. Br. Hira Lal, [E.I., XII 44]. Nothing more is known of (5). On 'Five' Kb., cf. § 162 below.

<sup>3</sup> V. M., p. 474.

show that Utsava-saṅketas had long ceased to exist. The Mahā-Bhārata in the same passage mentions 'very powerful town-rulers' on the banks of the Indus.<sup>1</sup> They evidently are the city republics on the Indus as they had existed in the time of Alexander.

§ 155. Considering the power and long career in their new homes, the period 150 B.C. to 350 A.C., may be still considered a living period of Hindu republican polity. It was the period of rise of the Rajputana republics.

At the same time that period was one of decay and decline of republican states in the Punjab and Western India. Parthian Śakas and the Śakas of Seistan who overran those parts, destroyed their independence and dissolved their states.

§ 156. The Kukuras whom the Artha-Śāstra mentions

Kukuras were lost in the dominions of Rudradāman. After 150 B.C. they live only in the place-name which they bequeathed to the country they had lived in. The Pitinikas vanished probably in the Mauryan times without leaving behind a single trace.

The Surāshṭras also were merged into common humanity about the 2nd Century A.C.

§ 157. The Vṛishṇis of classical glory fell under the

Vṛishṇis Saka barbarian leaving behind a couple of coins to tell the story. The orthodox Brāhmī and the republican legend, Vṛishṇi-rājāññyā-gaṇasya trātasya ['of the Vṛishṇi Rājanya (and) Gana—the Protector of the country'] yet remain. But at the same time the coin is obliged to bear the script of the invader, Kharoshthī, as well. The coin is marked with the state symbol the weapon cakṛa (discus), which was their symbol according to tradition as early as the time of Rājanya Kṛishṇa. The legend is in scripts of 100 B.C.:

<sup>1</sup> See above. ६२मुकुषाश्रिता ये च याम्बवीय मङ्गारतः।

<sup>2</sup> See above § 37, p. 40. Cunningham, *Coins of Ancient India*, p. 70, pl. IV. 15, has mistaken the disc for a wheel, but the cutting edges and the projecting points on the rim are clear.

§ 158 | It was the weakened condition of the country consequent on the Maurya policy of breaking up the republics that made the way easy for the foreign barbarians of the first century B C in Western India. From Sind up to the Maratha country they could easily settle down. There had been left no strong power to oppose them. But the case in other directions was not exactly the same. The barbarians proceed up to Mathurā, but beyond there they are checked, both to the West and the South by the old republicans. The foreigners could not join hands across their two seats at Mathurā and Ujjain.

§ 159 The older republics in the Punjab, however, paid the price which nature decrees from freedom to force. The smaller Punjab republics under the Mauryas had become mere constitutions; they had lost their biological constitution and retained the one of political phraseology. They were no more Samghas but mere Ganas—self governments without states, states without power.

§ 160 Such had become the ancient Rājanyas who Rajanyas come on the scene a second time 200-100 B C to appear no more.

They struck their coins (200-100 B C) in the name of their country "*Rājanya - Janapadasa*."<sup>1</sup>

Numismatic scholars have taken this 'rājanya' as the 'well-known equivalent for Kshatriya' (See V. Smith, *Catalogue of the Coins in the Indian Museum*, vol I, p 164). But this is a mistake. Rājanya is the proper name of a political people. It is clearly given as such by Pāṇini, Kātyāyana and Patañjali and also by the Mahā-Bhārata. Their coins are still of the old class called *kāṁśika* (bronze) by Pāṇini, (V. 1. 25) i.e., cast. Their coin which is die struck bears legend in Kharoshthī and is closely allied to the North Satrap coins, bearing the same figure as the latter. Thus tells the final tale—the tale of their absorption in the Mathurā Satrapy. Their coins are found in the

<sup>1</sup> Cunningham *C. A. I.*, p 60

Hoshvarpur District and Mathurā The former region seems to have been their home

Their constitution emphasised the 'Janapada', according to which the whole Janapada was consecrated to rulership It should be noticed that Pāṇini's rule about the Rājanyas deals with 'Rājanya Janapada' The Rājanyas were, therefore, a democracy

§ 161 Another old state which shared the fate of the Mahārāja Janapada was the 'Mahārāja Janapada' Their coins originally bore legend in Brāhmī 'Mahārāja Janapada' ('Of the Mahārāja Janapada') but latterly when they passed under the influence of the foreign rulers it was changed into Khroshthī<sup>1</sup>

The state was old as it is mentioned by Pāṇini in a rule which contemplates a man owing loyalty to it It is not certain as to what form of government they followed in the time of Pāṇini but their system is clearly republican of the democratic type in the Śunga period as evidenced by their coins Their coins have been found in the Punjab The bull with the crescent on the reverse of their coin shows that they were Śaiva

§ 162 Like the Ārjunāyanas some new republican states were founded in the closing and weak period of the Mauryas To this class belong the Vamarathas and Śālanākayas of Kātvāyana and Patāñjali<sup>2</sup> and the Śālanākāyanas of Patāñjali<sup>3</sup>

They are traced no further, nor are they found earlier About the Śālanākāyanas we are told by the Kāśikā that they were in the Vāhika country, a statement which is supported by the Ganapātha which places them along with the Rājanyas and Audumbaras

They had the *Sastropajū* constitution Patāñjali furnishes

<sup>1</sup> See Cunningham C I I p. 69 where he classes them erroneously under the Audumbaras coins Prinsep's plate referred to by Cunningham should also be consulted

<sup>2</sup> On I. IV I 151

<sup>3</sup> Patāñjali on Pāṇini I 135 [संज्ञा साधुपाठः । कृतक. p. 406]

the important detail that the Śālaṅkāyanas were composed of three sections. This datum helps us in understanding the coins of the Yaudheyas. It would not be correct to say that they were composed of three tribes. The state was founded, as the name signifies, by one Śālaṅkāyana, a descendant of Śalanka which is not even an ancient family name. The three members of the Śālaṅkāyana Saṃgha very likely represent an amalgamation of three small state-units.

§ 163 No history of the Vāmarathas is yet available. According to Patañjali the republic was noted for the scholarship of their learned men. They in this respect resemble the Kāṭhas. They did not however seem to have any military glory like that of the Kāṭhas. Nothing is known about their seat. To this class of new growth and early death must be referred the unnamed states of the Rājanya constitution whose coins are struck only in the name of their Rājanyas (Presidents) e.g., *Rajanya-Mahamitasa* ('Of the Rājanya Mahā-mitra'). They bear legends both in Kharoshthī and Brāhmī and they are found in the hills.<sup>1</sup>

§ 164. The Audumbaras are not known to the early  
 Audumbaras Pāṇinian literature; but they are mentioned in the Ganapāṭha in the Rājanya group of republics.<sup>2</sup> They are placed at the head of the Punjab republics in the earlier list of the Sabhā-Parvan of the Mahā-Bhārata (Chapter LII). Probably they also were republican. Their coins of the first century B.C. are found in Northern Punjab and they bear legend in Kharoshthī as well as in Brāhmī. Varāha-Mihira places them in the company of the Kapisthalas who are a twin associate of the Kāṭhas in Patañjali. They were somewhere between Kangra and Ambala. A branch of theirs seems to have migrated to Cutch, as Pliny locates the *Odomboeres* there. Their coinage resembles that of the Ārjunāyanas in style. Their

<sup>1</sup> Cunningham, *C. A. I.*, p. 69.

<sup>2</sup> On Pāṇini, IV, 2.53



coins show that the Audumbaras (if a republic) had an elective king. They are struck in the name of the community and king, styled 'His Exalted Majesty' (e.g. *Mahadēvasa rañā Dharagho-shasa* | *Odumbarisa*). The coins bear the 'lakshana' of a tree, the representation of a building with tall columns and a slanting roof which may be their mote-hall or some other public building, and the figure of their standard which Cunningham mistook to be a Dharmachakra. Across the field *Viśvāmītra* is written and a picture of the Rishi given. Probably Viśvāmītra was their national sage.<sup>1</sup>

The Kharoshthī script indicates that about 100 B.C. they came under the influence of the Satraps like their neighbours of the Punjab, and were finally absorbed. No later records of theirs is found. Their branch in Cutch appears to have lived longer. They have left their descendants in the enjoyment of their name—the modern community of Gujarati Brahmins of the Audumbara caste.

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<sup>1</sup> Rapson, *IC*, pl. III, 8. Cunningham, *C. A. I.*, pp. 66-68; many of the coins grouped by him under Audumbara coins are not connected with the Audumbaras. Consult also the valuable note by him in *A. S. R.*, Vol. XIV, pp. 133-6.

## CHAPTER XIX

### Disappearance

§ 165 The Gupta power struck the republican system in Rajaputana. The Guptas, however, rose to imperial position by their alliance with the republican Licchhavis<sup>1</sup> which had survived the Maurya and Sunga times and had grown highly powerful. They had outlived their ancient contemporaries in power and glory and remained the single and sole representative of ancient republicanism.

§ 166 A new republic was formed about this time on the ruins of the ancient ones in Rajputana. This was founded by one Pushyamitra, as the name signifies. The Purānas dealing with the Post Andhra rulers of Vīḍiśā and thereabouts mention the rulers of a new capital Kāñchanakā. The last Kāñchanakā rulers, that is, those who flourished about 499 A.C., the closing date of the Purānas,<sup>2</sup> were 'Pushyamitra' and 'Patumitra', but the rulers before them are kings mentioned by name (e.g., king Vindhya Sakti, king Sakyamān, etc.) While the other Purānas put down the Pushyamitras in the plural, the Bhāgavata mentions the President Pushyamitra ('Pushyamitro'tha Rājanyah') i.e., it mentions the original founder. Some copies of the Vishnu Purāna say that Pushyamitra, i.e., the President, was powerful and victorious ('सर्ववर्षेषु बलवान्

<sup>1</sup> Their name is jointly inscribed with the name of the emperor Chandra Gupta I on the imperial coins.

<sup>2</sup> Jayaswal *JBORS*, III, 247

जयो भविष्यति).<sup>1</sup> No dynastic figure is given to the Pushyamitras for the evident reason that they were republican.

The Pushyamitras 'developed great power and wealth'<sup>2</sup> to such an extent that they dealt a blow at the imperial throne from which it could not fully recover. The defeat inflicted by them on the imperial forces under Kumāra Gupta made the dynasty, to quote the language of his son Skanda Gupta, totter to its fall.<sup>3</sup> Evidently Kumāra Gupta himself was killed.<sup>4</sup> In the second war Skanda Gupta remained on the battlefield the whole night and slept on the bare ground. The next morning when the battle continued he succeeded in forcing a decision which entitled him, as the inscription says, to plant his foot on the royal footstool, i.e., became entitled to sovereignty.<sup>5</sup> But it is not claimed that the Pushyamitras bent their head or became feudatory. It was therefore a military defeat at most, or rather if we take into consideration the site of the publication of this record of victory (Bhitari in Ghazipur District), it was the stemming back of the invading Pushyamitras. The subsequent history of Hindu India might have received a different turn had they reached Pātaliputra and made it the seat of their republican government. We might have seen a vast republic, vaster than the country had yet seen. But the issue was decided otherwise. The Pushyamitras retired, but the glory of the Guptas never returned. The course of their weakness and decline consequent on the Pushyamitra wars could not be checked. There seems to be a strange fatality in the history of the Guptas. They rose to power with the help of a republic, they abolished the ancient

<sup>1</sup> For references to Purāṇic texts, see Pargiter, *Purāṇa Texts*, p. 51 and notes.

<sup>2</sup> मनुदितः[४]कोमान् पुष्यमिवान् . . . . . Bhitari Stone pillar Inscription of Skanda Gupta, Fleet, *G. I.*, pp. 53-54.

<sup>3</sup> *Ibid.* विचलितकृत्तवजो . . . ११; विजृम्भितवज्रो १२; मधुवित्तवज्रो १३.

<sup>4</sup> पितरि दिवसुषे[३] etc. .

<sup>5</sup> See lines 12-13. *Ibid.* The translation of this passage by Fleet is confused and does not reproduce the spirit of the text.

republicanism, and they in turn were shaken off their foundations by a republic. The Pushyamitras having executed this historical revenge withdrew in the mystic past.

§ 167. \ With the end of the fifth century Republics disappear from Hindu India. The old Lichchavis quit the political scene, a branch migrating into

Nepal. The young Pushyamitras vanish in the air. The following century saw the final exit of Hindu constitutionalism from the stage of History. \ All that was good, come down from the age of Vedic Forefathers, all that progress which had been achieved since the composition of the first Rik, all that gave life to the mechanism of State, bade good-bye to the Land. Republicanism was the first to begin the Great Departure, to lead the dirge of political Nirvāṇa. We have understood only one verse of that epilogue—the praise of the sword of destruction which nature gives into the hand of the barbarian. But the other verses are yet a riddle. The real causes of that Departure which the epilogue should disclose remain undeciphered.

From 550 A. C. onwards Hindu history melts into brilliant biographies—isolated gems without a common string of national and communal life. We get men great in virtue or great in crime—we get Harsha and Śaśāṅka, Yaśodharman Kalki and Śaṅkarācārya—but they are so high above the common level that they are only helplessly admired and sacredly respected.<sup>1</sup> The community ceases to breathe freedom. The causes of this decay must be internal which have yet to be investigated. The Hun invasion alone cannot explain it. The Huns were fully crushed within a century by successive dynasts. Yet the old life refused to return.

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<sup>1</sup> Eg. see the biography of Harsha by Dāsa. Kalki is deified in his lifetime (*I.A.*, 1917, p. 145). Helpless admiration is an index of the great moral difference between the admirer and the admired.

## III

### HINDU REPUBLICS ·

#### (c) THEIR SYSTEM AND ETHNOLOGY

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## CHAPTER XX

### Criticism on Hindu republican systems

§ 168. Before parting with the republics it is necessary to pass some general criticism on their systems. Moral assets {The *laws* and the administration of law in the republican states of India are unanimously praised by the Greek observers and their praise is confirmed by the Mahā-Bhārata. Some of them, at least, were careful to preserve precedents of decided cases in books. } Even their sworn enemy Kautilya says that a republican chief in his state has the beneficial propensity of justice.<sup>1</sup> A high sense of justice was maintained. Without it no republic can last very long. *Discipline* was another virtue of theirs. Kautilya notices as a feature that the republican chief was a man accustomed to discipline.<sup>2</sup> The Mahā-Bhārata points out, as we have seen, that discipline was maintained amongst members, both junior and senior, by responsible leaders. The leaders, further, made themselves and their actions popular.<sup>3</sup> Krishna in the Mahā-Bhārata is reported to mention his difficulties in conducting his federal council to his friend Nārada. The latter rebukes Krishna for his want of control of his speech in public discussions. He advises the Vṛishni leader to cultivate the habit of bearing oratorical attacks with patience, and to sacrifice feeling of personal umbrage, to maintain the integrity of the Samgha.<sup>4</sup>

<sup>1</sup> अर्थशास्त्राय सङ्क्षेपे व्याख्यानिर्दिष्टम् : Arthashastra, p. 379

<sup>2</sup> दासो युक्तमनसिष्ठम् Ibid.

<sup>3</sup> सन्निवितापुष्पम् Ibid.

<sup>4</sup> See Appendix A.

Likewise they were always ready to take the field *Bravery* was a point of ambition and honour amongst the citizens

§ 169 As the Mahā Bhārata says, *equality* prevailed in the Gana This was naturally necessary The Principle of equality more democratic an institution, the greater emphasis on equality must have been laid

In addition to moral virtues the republics had administrative virtues They were specially successful, on the evidence of the Mahā-Bhārata, in their financial administration Their treasury remained always full

§ 170 / A great reason of their political strength was that a republic was *nation in arms* The whole Military system community was their army They were a citizen army and therefore immeasurably superior to the hired levies of monarchies And when they formed an offensive and defensive league they were regarded, as Kautilya says, 'invincible' / Hindu Republics were prone to form leagues The league of the Six Trigartas of the grammarians the league of the Kshudraka Mālavas, the league of the Videhas and Lichchhavis, (the federated Vajjis of the Pali Canon) the league of the Andhaka Vrishnis are examples in point According to the Mahā-Bhārata it was almost impossible for the enemy to crush federal republics The Buddha as well gave his opinion to the Chancellor of Magadha that the federal Vajjis could not be conquered by the Magadha King

§ 171 The *wealth* of the Hindu republic is a matter of admiration both in home and foreign records The Greeks noticed their riches and the Mahā Bhārata also bears testimony to it A citizen had ambition to be the leader of the trade association or of the guild merchant failing to be a political leader (§ 117) The art of peace and the art of war, discipline and perseverance, habits of ruling and being ruled, thought and action, home and state, went hand in hand A highly practical and keen individual and citizen would have been the result of

this life. With these virtues and this culture, there is no wonder that the Mahā-Bhārata says that their alliance was courted, and that they took delight in reducing their foes, and saw to their material prosperity. This is explained by the fact that their training and genius were not one sided. They were not solely political animals. They were economic animals equally. Kauṭilya characterises them as martial and industrial in the same breath; they were forced to be industrial and martial by their laws. Attention paid to trade and agriculture kept their treasury and themselves rich.

§ 172. {On the evidence of the Greek witnesses they were not only good soldiers maintaining a very high tradition of bravery and skill in war, but also good agriculturists.} The hand which wielded the sword successfully, was accustomed to use the scythe with equal facility. {According to the Artha Śāstra and Buddhist documents, they were both agricultural and industrial }

§ 173. Separation of powers and functions which will be noticed in the data given above for instance, command of the army and executive government amongst the Patalas, judiciary military command, and executive authority amongst the Lohchhavis, similarly elective generalships in several states noticed by the Greeks and complete absence of sacerdotal element in the chiefs denote a highly developed sagacity and a vast constitutional experience in the republics

§ 174 Technical books which have come down to us are of the monarchist school. If we recovered a book of the republican school, it would undoubtedly disclose the theories of state of Republican Polity. That there were such books is extremely probable. The chapters on Gana and Vriṣṇi Saṅgha in the Mahā-Bhārata indicate their past existence. So does the verse in Kauṭilya which is evidently quoted from another work, as the verse is the only matter in the chapter which has republican point of view, the rest



being all a monarchist look out<sup>1</sup> The discussion on the Arājaka state in the Mahā-Bhārata also shows familiarity with a written theory of state of the Arājaka constitution All these data indirectly prove the existence of well considered philosophic bases on which republican constitutions were founded This basis explains to a great extent the variety which we have noticed in republican constitutions They were not unconscious, instinctive institutions There could not have been a lack of philosophic thinking in the country of Kapila and the Kathas who tackled much more abstruse problems of philosophy than state

§ 175 The evidence of the Chatus Satakā of Āryadeva, a fragmentary manuscript of which was discovered by Mahāmahopādhyaya Hara Prasad Shastri,<sup>2</sup> establishes that the elected ruler in a Gana was regarded as a servant of the Gana (*gana dāsa*) The same principle is declared by Krishna in the discussion cited in the Mahā Bharata 'It is the servant's duty (*dāsyā*) which I have to perform under the name of rulership (*Aisvaryā Vādena*)'

§ 176 It seems that the Kathas and the Saubhūtas regarded the individual as mere part of the state By himself he did not exist Hence they claimed an absolute right over the child born to individuals It is evident that other republics did not subscribe to this view They, as evidenced by coins, take *gana*, the Government as distinct from the community, the individual is not lost in the state At the same time the unity between the two is so complete that the two are very nearly identical The extreme case of individualism on the other hand, was the theory of the Arājaka state, the No ruler state<sup>3</sup> Govern

<sup>1</sup> Artha Śāstra p 370

<sup>2</sup> See Appendix A

<sup>3</sup> J A S B 1911 431

<sup>4</sup> See § 101

ment itself was regarded by the theorists of that class of state as an evil. No one was vested with executive power. Only law was to rule, and the only sanction they prescribed for one found guilty of crime was ostracism. The sovereignty of the individual was not to be delegated to any one man or a body of men. Of course, a state founded on such a basis, to be practical, must have been exceedingly small. Such states, however, did exist in Hindu India as noticed in the Jaina sūtra referred to above. The monarchist may very well exclaim: 'No Government is more miserable than the Arājaka Government.<sup>1</sup> If a powerful citizen obeys the (law) 'it is all well, but if he rebels, he can work total destruction.'<sup>2</sup>

And the monarchists may very well pick up the Arājaka theory from the republicans to justify their own theory of monarchy. But they could not ignore the Arājaka theory of Social Contract as the primary basis of state. On the basis of a mutual contract amongst the citizens, according to the Arājaka democrats, the state was founded.<sup>3</sup> This, of course, was true of the Arājaka state. When the monarchists postulate a contract between the king and the people (to take office on condition to rule honestly and to receive taxes in return)<sup>4</sup> they clearly say that this contract was resorted to when the contract of the Arājaka constitution failed in practical working. Here we find the monarchists really adopting the *social contract theory* originally postulated by the Arājakas. Probably a theory of social contract was common to all classes of republics. Its counter-part, applied to monarchy, was already known to Kauṭilya as an accepted

<sup>1</sup> यदि राज्यं न्यायतरमस्ति किञ्चिदराजका । *Sānti-Parvan*, LXVI, 7 (Kumb)

<sup>2</sup> न चित्कननप्रयत्नं समं कश्चिदपि । ब्रह्मन् हि प्रचिन्तं कुचोऽपि श्रवणमपि ॥ *Ibid* verse 8

<sup>3</sup> समैव साक्षात्तयुक्तः समप्रानिति न युक्तम् । *Ibid*, verse 18

विश्वामित्रैश्च नैवो ब्रह्मणामविश्वम् ।

तादृशं समप्रयुक्तं समप्रानितिस्थिरे । *Ibid*, verse 19.

<sup>4</sup> See chapters XXIV, XXV, XXXVI, and XXXVII, on Monarchy, below.

truth.<sup>1</sup> Its origin in India is very ancient, evidently the most ancient in the world.<sup>2</sup> It is to be remembered that in its full exposition it was a republican theory. Such a theory was of immense value in its beneficial effect on the rulers in general.

§ 177. The best test of the success of a state system is the length of life which it can secure for the state.

Longevity

The republican system of India, as a class, proved very successful in securing longevity. As pointed out above the system is mainly post-Vedic. Taking then the age of the Aitareya Brāhmaṇa as our earliest landmark, the Satvat Bhojas had a life of about 1000 years. If the Uttara-Madras and Pāṇini's Madras were identical, they lived for about 1300 years, otherwise for 800 years. The Kshudrakas and Mālavas had long existed free before 326 B.C., as they told Alexander. The Mālavas continued on in Rajputana up to c. 300 A.C. They thus enjoyed free life for about 1,000 years. And so did the Yaudheyas. The Licchhavi record covers a full millenium. The principles regulating the life of Hindu republics thus stood well the test of time.

<sup>1</sup> Artha Śāstra (I 14), pp 22 23, मान्यव्यायामिभूता प्रजापतुः वेदसूतं राजानं चक्रीद । धान्यवह्मणं पशुदशमार्गं हिरण्यं चास्य भागद्वयं प्रकल्पयामासु । तेन भूता राजानः प्रजानां योगदेवदत्ता । 'People oppressed by anarchy made Manu, son of Vivasvat, their king. They settled one-sixth of agricultural produce and one tenth of merchandise, in cash, as his share. Kings secularised herewith entry on government (yoga) and well being (śāhema) of the people'. For the meaning of योग see corresponding passages quoted under Monarchy, where king's 'wagons' are mentioned. The meaning of योग given here is in accordance with the sense of the word in Manu XI, 62, and the Mitāksharā's definition of योग. The meaning of Yoga becomes clear by the succeeding line तेन [कल्पयामदण्डकरी दत्तम्], where *adan lakara* or 'king failing in government' is referred to in contrast. Compare also on yoga, युक्त 'member of executive service' in the Artha Śāstra.

<sup>2</sup> Kauṭilya 300 B.C., quotes it as a well known theory. The Vedic hymns of election disclose clear germs of this theory. See chapter XXV, (Pt. II) on coronation for references in the Brāhmaṇas. The Budhist have it in their old books. *Aggañña S.* 21 (*Digha*) = "MV., I, 347 8—आजिउदेवेषु पणं आनिमाम ददाम । सद्धता जनमादिनं सद्धतो नि सद्धासद्धतो । राजा नि भंजा सद्धाणि ।

§ 178. <sup>Weak points</sup> But after all the Hindu republics, normally speaking <sup>in Hindu R. republics</sup> were not large units. Although they were larger in many cases than the ancient republics of Europe, they were, except for the Mālavas and the Yaudheyas and a few others, miniatures in comparison with the vast experiments of our own times, e.g., the United States of America, France, and China.

[This *smallness* was the very weakness of the polity. Nations and states which remain small, whatever their virtues, are not allowed to exist. Large states which developed greedy fangs, devoured up small sovereignties.<sup>1</sup> The Mālavas and the Yaudheyas who survived mighty empires and great conquerors, were large territorial units. They must have extended their laws and rights like the Lichchhavis and Madras to the arena of their expansion.<sup>2</sup> They, on account of their largeness, avoided the fate of their early contemporaries of smaller stature.

§ 179. The Mahā-Bhārata says that Arājaka states could be easily conquered; that when an encounter took place between them and a strong foe, they broke like wood which does not know to bend.<sup>3</sup> This was true of all democratic republics.<sup>4</sup> Once conquered they ceased to exist as a community. Their life was so much bound up with their state that life proved only co-extensive with the state and no further.

In the time of Chandragupta, they were discredited by their not very successful opposition of Alexander. It is significant that young Porus, King or President of Gāndhāra, when faced

<sup>1</sup> The form *Mālatuka* in the *Mahābhāṣya* II, 290, points to that. See discussion on *supra* § 118. *AS.* gives *Lichchhāvika* and *Madraṇa*; and Samodragupta, *Mādraka*.

अथैदमिदं न रात्र्यापि न रात्र्याः ।

अथैदमिदं न रात्र्यापि न रात्र्याः ।

अथैदमिदं न रात्र्यापि न रात्र्याः ।

—*Mahā-Bhārata*, *Sāṅkhya* Parva, LXVI, 6-7. (Kumārī)

Cf. अथैदमिदं न रात्र्यापि न रात्र्याः । *Ibid.*, 10.

अथैदमिदं न रात्र्यापि न रात्र्याः । *Ibid.*, 12.

with the foreign invaders, looked towards the imperial power of Magadha, and that Kautilya, a man of Taxila, should advocate their abolition in his Science of Commonwealth.

[It appears that republics were liable to fall victims to intrigues. In aristocratic bodies *personal rivalry* and *greed of power* were marked out by statesmen like Kautilya, as the fit soil for sowing seeds of *dissension*.] Varshakāra, a former Chancellor of Magadha, replied to the Buddha, who had said that the Vrijis could not be broken, 'they can only be broken by mutual dissension.' Sources of dissension were not limited to enemy intrigues. As in popular forms of government in all ages, bitter hostilities arose out of discussions in the public assembly. Krishna in the Mahā-Bhārata talking about his difficulties as leader of the republic says that his heart was roasted by terrible speeches. The Mahā-Bhārata (in Śānti-Parvan, on ganas in general) alludes to this sort of unpleasantness and the consequent cessation of discussion on public affairs which lead to final disruption of the whole body.<sup>1</sup> The Buddhist tradition in describing the cause of the temporary discomfiture of the Licchhavi body-politic against Ajātasattu, says that the Licchhavis, owing to disagreement, had ceased to come to the Public Assembly when the tocsin sounded the call.<sup>2</sup> Then in some cases, the politicians were divided in opposing parties. This feature of the difficulty is put very graphically in the complaint of Krishna. 'As regard Āhuka and Akūra, if they are in one's favour, there is no greater misery for that man, if they are not in one's favour, there is no greater misery for him either, I can not elect the party of the either. Between the two I am like a mother of two gamblers staking against each other who cannot wish for the victory of one and the defeat of the other.'<sup>3</sup>

Internal dissension is said in the Mahā-Bhārata to be the

<sup>1</sup> See Appendix A, and chapter XIV above.

<sup>2</sup> J. A. S. B., 1824-25, 2.

<sup>3</sup> App. A.

real danger to a republic. Fear from outside enemies as compared to that was 'nothing.'

§ 181. *Dissensions led to breaking-up of ganas.* By this as pointed out above, we should understand that sometimes schisms occurred and new states were formed. Thus small units to start with, and a tendency to become smaller, jealousy and rivalry amongst politicians, and license in public speaking seem to be the chief points of weakness of the Hindu Republican Polity.

## CHAPTER XXI

### Ethnology of the Republics

§ 182 Mr Vincent Smith in a letter<sup>1</sup> raises the question of the ethnology of the *ganas*. As the matter is put in issue by an authority of the position of Mr Smith, I think it incumbent upon me as the student of the *ganas* to discuss it.

Mr Smith is of opinion that they were of Mongolian origin like the Tibetans. "I believe" [he writes] "that as late as the early centuries A C the population of India was largely of Tibetan affinities, snub nosed people—see the Bharhut and Sāncī sculptures. The Lachchavis certainly were such, and the customs of hill men give the best clue to the working of the *ganas*. I think both Buddha and Mahāvīra were essentially hill men of semi-Mongolian type, even if they did adopt Magian features into their teaching. You may, of course quote me as you propose to do."

§ 183 There are a few facts which are supposed to lend some strength to this view, and I should deal with them first. Some of the minor republics occupied valleys of the Himalayas. And in the Chumbi valley "an old form of elective government" as brought to light by Mr E H Walsh, prevails. Mr Smith has referred to Mr Walsh's descriptions in the *Indian Antiquary* (1906, p 290). Once every three years according to Mr Walsh's description, the villagers assemble at a fixed meeting place

<sup>1</sup> Dated the 20th November 1917

<sup>2</sup> But the paper of Mr Walsh was not before him and the account in the *Indian Antiquary* may not be strictly accurate being based on a newspaper report.

and present to the two *Kongdus*, who act jointly representing the two divisions of the valley as heads of the local administration, a list of their elected headmen of the villages. From the list the *Kongdus* select the names of four persons whom they consider to be the most suitable to be the next *Kongdus*. Then they throw with three dice, in the name of each of the four persons they have selected, and the two who obtain the highest throw are chosen as the *Kongdus* for the coming term of three years. This ceremony takes place before an old stone altar sacred to the deity of the locality before which is placed the banner the insignia of the *Kongdu's* office. The newly elected *Kongdus* do not enter on office at once. This is done in the eleventh month when another ceremony takes place and an *yal* is sacrificed at the stone altar. The new *Kongdus* place their hands on the bleeding skin and take an oath on the sacrificed *yal* that they will administer justice even between their own son and the enemy. The *Kongdus* say that they do not hold their power from the Tibetan government but the local deity, that they originally got the banner from him and have always held their power from him. 'The administration' says Mr Walsh, 'is thus theocratic as well as elective.'

§ 184 Mr Vincent Smith, in his note in the Indian Anti  
 Criticism quarry, opines, "I have now come across an  
 "observation which suggests that tribal cons-  
 "titution like that of the Yaudheyas may have been of Tibetan  
 "origin. Again 'for the purpose of illustrating ancient Indian  
 "tribal constitutions this slight abstract of Mr Walsh's paper  
 "suffices, because no record exists which gives any details of such  
 "constitutions. Nothing like proof on the identification of the  
 "Yaudheyas as Tibetans is suggested, and it is hard to see why the  
 "Tibet in illustration should serve to fill up the vacuum of Indian  
 "details. Because no detail of Indian constitutions was known in  
 "1906, was the gap to be filled up from Tibet? Now as the details  
 "are forthcoming, it will be admitted that there is not the slightest  
 "resemblance between the ceremony of the Chumbi valley which



royal courts and deceived people in darkness as a living figure. One is the representation of the home type and the other foreign. In Indian art there is a tendency to devote pointed attention to the foreign and queer, as the Hindus do to-day in their national pageants. The man which the Hindu saw every day, namely, one like himself, did not interest the artist and his public so much as the outlandish, the uncommon, the *dwarf*, the *lion-rider*, the *snake-man* and the *snake-woman* the *Yaksha*, the *Abyssinian*, the mischievous alien slave. Incidentally when the Sāñchī or Bharhut artist has come to deal with his own kings and queens, women and boys, ascetics and trees, the virtuous elephant, and the surgeon monkey, he has anticipated this ethnological controversy. I venture to challenge any one to show the snubnose or the high cheek bone or any outlandish element in those representations.<sup>1</sup>

§ 186 With regard to the general suggestion as to the Mongolian basis of India's population "as late as the early centuries A.C.," no amount of "it is possible"<sup>2</sup> or opining can satisfy me or one who reads in the *Mahābhāshya* that

Alleged Mongolian basis of Indian population in early centuries, A.C.

<sup>1</sup> Some of these reliefs were evidently prepared from designs executed by other hands and it is that what is implied by the expression *rūpikāram* prepared by the ivory carvers of Vidisha (विदिशादिदं कर्तुं कृत्वा न कृतं). In such cases the word sculptors as used by me above is not quite suitable.

My friend Mr Pandey has drawn my attention to Prof Grünwedel's conclusion on the subject, which runs as follows:—

"The different peoples that lived side by side in India were distinguished from one another above all physiologically contact with peoples of higher Asia in the time of Aśoka revealed new types and thus we undoubtedly see an attempt, for instance, to represent foreign nations in the equestrian group, that adorn the Sāñchī gateways.

"On the eastern gate, for example, besides mythical foreign peoples two figures are represented riding on horned lions. One of the heads is clearly not of the Aryan type, the woolly negro like hair and the thick coarse shape of the whole head surprises one; this same figure holds a bunch of grapes in his hand..... The whole series of these figures—those mounted on goats, on dromedaries, on lions—present a distinct contrast to the Hindus riding on elephants.....

"The great majority of the other reliefs at Sāñchī present the Hindu type—a long head with full round face large eyes and thick lips. At Bharhut the same type appears but it is somewhat harsher." *Buddhist Art in India*, Trans by Burgess pp, 33-34.

<sup>2</sup> *E g.*, *Ind Ant*, 1906, p 230.

the Brahmin still had fair eyes and fair hair (गौरः विद्वन्ः कपिनक्षेत्रः on P. V. 1115) and who reads in the Gopatha Brāhmaṇa that the Vaiśya was still Sūkṣa or white and who reads in the Dharma-Sāstras that the Sūdra woman was still the 'black beauty' of the land. The republics, as we have seen, had Brahmins, Kshatriyas, Vaiśyas and Sūdras. The Greeks saw them and admired their physique from their point of view. They could not have praised snub-noses. An ounce of evidence is weightier than tons of theories, be it ethnology or Indology.

§ 187. The Lichchhavis whose form of republican government was noticed by orientalists in the first instance, attracted much attention and curiosity, and gave rise to various speculations. Mr. Vincent Smith wrote a short paper on "Tibetan affinities of the Lichchhavis."<sup>1</sup> This paper is referred to in successive editions of Mr. V. Smith's History, and has been often taken by others as having established its thesis.

Mr. Smith bases his theory, firstly, on an alleged custom of exposure by the Lichchhavis of dead human bodies, a custom which he says also prevails in Tibet, and, secondly, on judicial procedure of the Lichchhavis which he thinks has a very close resemblance with the procedure followed in Tibet. An examination of the two data shows that the exposure of the dead as "the usage of the Lichchhavis of Vaiśālī" "in ancient times"<sup>2</sup> has existence only in mistaken imagination, and further that there is not even a remote resemblance in the two judicial procedures.

Mr. Smith relies on a Chinese legend saying that the Buddha at Vaiśālī observed a cemetery under a clump of trees and had the cemetery described to him by Rishis: "In that place, the corpses of men are exposed to be devoured by the birds; and there also they collect and pile up the white bones of dead persons, as you perceive; they burn corpses there also and preserve the

<sup>1</sup> *Ind Ant.*, 1903, pp. 233-35.

<sup>2</sup> *Early History of India*, 3rd ed. p. 155

"bones in heaps. They hang dead bodies also from the trees; "there are others buried there, such as have been slain and put 'to death by their relatives, dreading lest they should come to "life again; whilst others are left there upon the ground that they "may return, if possible, to their former homes."<sup>1</sup> Now this, is the passage (I have quoted it in full) upon which the whole theory of the exposure of the dead is based and on the basis of which Mr. Smith has considered the Lichchhavis to have been of Tibetan origin. The passage is from a legend in China of about 1,000 years later than the time of the Buddha, and as such it is worthless as a piece of historical evidence for contemporary details. But the passage, however, as it stands, is innocent. To one acquainted with the standard dramas of Sanskrit literature and the social and religious customs of the orthodox Hindus as they have prevailed, the passage connotes differently, in its natural way. A typical *Śmaśāna*, 'cremation ground,' is what is described. In some cases, as it is enjoined in the Dharma Śāstra a dead body cannot be burnt but has to be either buried or exposed, or in the language of Manu, "to be thrown in the forest like a log of wood"<sup>2</sup> (and for that I hope no one including orientalisists would dare to call the author of the Mānava Code a Tibetan or Pārsī). Dramas and fictions in Sanskrit are full of allusions to men being executed at the *Śmaśāna* and people hanging themselves by a tree in the *Śmaśāna* grounds. The practice of laying the dead body in hope of recovery is observed even to-day

§ 188. As to the alleged 'close resemblance' which according to Mr Smith 'is impossible not to perceive' in the matter of the two criminal procedures, I quote in the footnote<sup>3</sup> the whole

<sup>1</sup> Beal, *Romanic Legend of Sakya Buddha*, p. 159.

<sup>2</sup> Manu, Ch V verse 69.

<sup>3</sup> Turner, the authority of Mr Smith on the Lichchhavi procedure, says thus : "On this point, the *Atthakatha* contains this note,

"In aforetime, the Wajjian rulers on a person being brought and presented to them, thus charged "this is a malefactor" without at once deciding "he is a malefactor," dispose

passage about the two procedure, in Mr. Smith's own words. A mere comparison by both lawyers and laymen would show that it is impossible 'to perceive' the alleged 'resemblance.' I may here refer the reader to the interpretation of the Lichkhavi procedure given above and its comparison with the procedure

of him are obliged. They surrender him to the *Banckelliyas mahmal* (chief judicial officers). Having examined him, if they conceive "this man is a culprit," they release him. If they decide "this is a mal factor" with out awarding any penalty, they transfer him to the *Hakim* (learned in the customs or laws). They also having investigated the matter, discharge him, if he be innocent; but if he be guilty, there are certain officers called *Sutdikari* (maintainers of the custom) to whom they transfer him. They also inquire into the matter and discharge him, if he be innocent, but if guilty, they transfer him to the *Atakidil*. They also having observed the same procedure transfer him to the *Sealput* (chief minister), he again to the *Liput* (sub king; the *Liput* to the *riji*. The *riji* enquiring into the matter if he be innocent, releases him, but if he be guilty, he causes the *Preey* (book of precedents or usages) to be propounded. There it is written, to him by whom such a crime is committed such a punishment is awarded. The *riji* having measured the culprit's offence by that standard pronounces a suitable sentence. [JASB, 1898 I 493-4.]

On this Mr. V. Smith observes:-

"The stages in this complicated procedure are eight in number, namely, —

- 1 Arrest and production of prisoner before the 'rulers'
- 2 Enquiry by the *Banckelliyas mahmal*
- 3 Do. do. *Hakim*
- 4 Do do *Sutdikari*
- 5 Do do *Atakidil*.
- 6 Production before the *Sealput*.
- 7 Do do *Liput*
- 8 Final judgment by the *Liput*, who is bound to follow fixed written rules in awarding the penalty.

"The stages in the Tibetan procedure, as described by Babu Sarat Chandra Das, [Proc ASB 1894, p. 5] are exactly similar:—

1. The accused person is arrested and sent to the lock up.
2. He is watched, treated kindly, and mildly interrogated,
3. He is subjected to a mild but minute interrogation called *Jamh* and his answers are noted down,
4. He is examined more strictly and whipped at intervals, this is called *Takand*;
5. If he makes any kind of confession true or false he is subjected to further prolonged examination, repeated whippings and cruel tortures of various kinds;
6. If the case is serious and the Government becomes a party, he is taken to the Kalons or Ministers' Court,
7. This Court suggests to the *Gyal tshab* (Regent), which is the highest Court of

of the *gana* as mentioned in the *Mahā Bhārata* : The *Lichchhavi* procedure was based on rules which were normally common to *ganas*

There are circumstances which when taken into consideration, leave no doubt as to the Hindu nationality of the *Lichchhavis*. Both the *Videhas* and the *Lichchhavis* had a common national designation 'the *Vrijis*'. In other words, they were two branches of the same nation. No one responsible will venture to suggest that the *Videhas* were also Tibetans. The very colonization of Northern Bihar by the Vedic *Videhas* is recorded<sup>2</sup>. If the *Videhas* were pure Hindus, a centre of Upanishad philosophy and orthodox theology, the *Lichchhavis* who were a ramification of the same nation could not have been barbarians. The *Lichchhavis* were at *Vaisali*. And the *Purānas* as we have seen connect the *Vaisālīs* like the *Videhas* with a well known Aryan dynasty. They were not 'unanoined' rulers, a term applied by Hindu writers to barbarians settled in India. The *Anguttara Nikāya* contemplates the *Lichchhavi* rulers to be "anoined" rulers, *i.e.*, *abhisikṭa*, like any other *Kshattriya* rulers. The *Jātaka* mentions the celebrated lake which was jealously guarded and in which the *gana* (republican) rulers obtained their *Abhisheka*<sup>3</sup>. The Buddhist literature unanimously treats them as good *Kshatriyas*.

§ 189 Their name according to the rules of grammar is a derivative of the word *Licchhu*, *i.e.*, the followers or descendants of *Licchhu* which in Sanskrit would be *Likṣhu*. *Likṣha* means a mark and *Likṣhu* is connected with it. The name might have originated on account of some feature

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the Country that one of the three punishments mentioned in the decision may be approved

3 The sentence may be mitigated, commuted or revised by the *Dakṣa* *Laṅkā* only. The Regent has no power to do more than select one of the three punishments suggested by the Court of Ministers. *Smith Ind Ant* 1893 p 230

<sup>2</sup> See above pp 123-4-130

<sup>3</sup> *Śatapatha* 1.4.1.10 ff.

<sup>4</sup> *Ante* 1. 51 n.

marks The name Lakshmana is a similar instance *Lachchhu* in Bihar and the Doab is a very common name to day denoting the same thing A man born with some prominent black or blue mark on his person easily acquires the name

§ 190 The Mallas, neighbours of the Licchhavis, are styled *Vāsishthas* in the *Mahāparinibbāna Sutta*<sup>1</sup> and *Vasishtha* is a well-known *Aryan gotra* name The *Mahāparinibbāna Sutta* is not the work of crafty Brahmins of the type reputed to concoct Aryan genealogies for barbarian rulers

§ 191 There is some discussion about the origin of the *Nationality of Sākya*s also Now the testimony of the *Sākya*s Pal authorities is unanimous that the Sākya were a branch of the *Aikshvākas* This is admitted by the adverse side, the Purāṇas, which place the Buddha his father and his son, in the *Ikshvāku* house Contemporaries of the Buddha amongst whom was *Ajita Śatru*, king of *Magadha*, claim him as a *Kshatriya*<sup>2</sup> As we have seen in the history of the formation of new republics and the Purāṇic detail about the *Yaudheyas* and *Madras*, the state community was called after the leader We find the same origin of the *Sākya* Community given by the Buddha himself<sup>3</sup> That history of origin agrees with the ascertained history of similar republican foundations That history therefore should be accepted—that a cadet of an *Aikshvāka* king founded the *Sākya* republic christened after his name

§ 192 The tradition of an ancient and obsolete custom of sister marriage amongst the Sākya had misled some scholars into theories of race origins Such ancient and once living custom or law is accepted by the Vedic literature to have existed in the orthodox race Buddhist tradition also does not limit it to the Sākya It extends it to the *Ikshvāku* royal dynasty

<sup>1</sup> *Mahāparinibbāna Sutta* V 19

<sup>2</sup> *Mahāparinibbāna Sutta* V 24

<sup>3</sup> *Ambajjha Sutta* 16

of the gana as mentioned in the Mahā Bhārata<sup>1</sup> The Licchhavi procedure was based on rules which were normally common to ganas

There are circumstances which when taken into consideration, leave no doubt as to the Hindu nationality of the Licchhavis Both the Videhas and the Licchhavis had a common national designation 'the Vrijis' In other words, they were two branches of the same nation No one responsible will venture to suggest that the Videhas were also Tibetans The very colonization of Northern Bihar by the Vedic Videhas is recorded<sup>2</sup> If the Videhas were pure Hindus, a centre of Upanishad philosophy and orthodox theology, the Licchhavis who were a ramification of the same nation could not have been barbarians The Licchhavis were at Vaisālī And the Purānas as we have seen connect the Vaisalas like the Videhas with a well known Aryan dynasty They were not 'unanointed' rulers, a term applied by Hindu writers to barbarians settled in India The Anguttara Nikāya contemplates the Licchhavi rulers to be "anointed" rulers, *i.e.*, *abhisikta*, like any other Kshatriya rulers The Jātaka mentions the celebrated lake which was jealously guarded and in which the gana (republican) rulers obtained their *Abhisheka*<sup>3</sup> The Buddhist literature unanimously treats them as good Kshatriyas

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<sup>1</sup> See above pp 123 4 130

<sup>2</sup> *Satapatha* 1 4 1 10 ff

<sup>3</sup> *Ants* p 51 n.

marks. The name Lakshmana is a similar instance. *Lachchu* in Bihar and the Doab is a very common name to day denoting the same thing. A man born with some prominent black or blue mark on his person easily acquires the name.

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§ 191 There is some discussion about the origin of the *Nationality of Śākya*s also. Now the testimony of the Pāli authorities is unanimous that the Śākya were a branch of the *Aikshvākas*. This is admitted by the adverse side, the Purāṇas, which place the Buddha, his father and his son, in the *Ikshvāku* house. Contemporaries of the Buddha amongst whom was Ajāta Śatru, king of Magadha, claim him as a Kshatriya.<sup>2</sup> As we have seen in the history of the formation of new republics and the Purāṇic detail about the Yaudheyas and Madras, the state community was called after the leader. We find the same origin of the Śākya Community given by the Buddha himself.<sup>3</sup> That history of origin agrees with the ascertained history of similar republican foundations. That history therefore should be accepted—that a cadet of an *Aikshvāka* king founded the Śākya republic christened after his name.

§ 192 The tradition of an ancient and obsolete custom of sister-marriage amongst the Śākya had misled some scholars into theories of race origins. Such ancient and once living custom or law is accepted by the Vedic literature to have existed in the orthodox race. Buddhist tradition also does not limit it to the Śākya. It extends it to the *Ikshvāku* royal dynasty

<sup>1</sup> *Mahāparinibbāna Sutta* V 10

<sup>2</sup> *Mahāparinibbāna Sutta* V 24

<sup>3</sup> *Aśoka Sutta* 16



and the Ikshvākus were not new comers, they were never desaceramented. They are as ancient as the Vedas. If the Ikshvākus were Aryan, their offshoot the Sākyas cannot be otherwise.

§ 193 The evidence of the Greeks who actually saw many Indian republicans is as decisive as any other fact. They describe the handsome looks and tall stature of the Punjab and Sind republicans. Snub nose of the Himalayan Mongoloid could have never been described as a handsome feature by the Greeks, who, I think, must be taken as good judges in these matters. Nor could the stature of the Himalayan be mistaken by the Greeks to be majestic. The very description proves perfect and pure Aryan type of the Hindu. All these republicans are expressly mentioned by them as Indian.

§ 194 The names of the republicans are another internal evidence of their Hindu origin. The Katharians or the Kathas are a Vedic people to whom the Katha recension of the Yajur Veda and the Katha Upamshad owed their origin. The Madras are not simply known to Vedic literature but are known as a home of orthodoxy where men like Svetaketu went for post graduate studies in sacrifices. There is a definite history of the origin of the Yaudheyas and Madras as noticed above. The 'Kshatriyas' were *par excellence* Kshatriyas. The Vṛishnis are not only Kshatriyas but sacred Kshatriyas, the Vedic Satvats Yadus. As to the names like the Ārjunāyanas, and the Śālankāyanas etc., the names are proof positive of orthodox origins. The rules of Pāṇini stamp the formation with orthodoxy.

§ 195 Orthodoxy has, so to say, anticipated the controversy and has already set its seal on the orthodox origin of these republics. The Āitareya Brāhmaṇa describes the Vedic rituals with which the republican Madras,

the *Satvats*, the *Kurus*, and others were consecrated to political rule, and with which the constitutions *Bhaujya* and the *Svārājya* in the west and south-west and *Vairājya* by the side of the Himalayas received sanction.

§ 196. [Whatever the race-origins of a particular republican community, the system was Indian and orthodox Indian. It goes back to the time of the *Aitareya Brāhmaṇa* and earlier. That democratic and republican states were experiments of the Hindus themselves, who at times had been regal and in turn republican, is further proved by what Megasthenes saw and learnt in the country twenty-two centuries before (§ 18).]

## APPENDIX A

### The Maha-Bharata on the Andhaka-Vrishni-Samgha

§ 197 The Sānti Parvan in its Ch 81 records a discussion on the affairs of the Andhaka Vrishni league. It is called an 'ancient history' although it is put in the mouth of Bhishma, a 'contemporary'. Krishna puts his difficulties as the Vrishni-leader before his friend Nārada, and the latter gives his solution. The discussion is important as showing:

- (a) that there were two political parties in the joint *Samgha* or *Federal Parliament*, each of which tried to gain the upper hand in political matters,
- (b) that there were sharp discussions in their parliament or council, and Krishna was attacked and he attacked others in return for Nārada rebukes him for not having a tactful tongue,
- (c) that at the time to which the history relates Babhru Ugrasena<sup>1</sup> and Krishna were the elected Presidents,
- (d) that the republican leaders were mostly related to each other, and that Krishna was not equal to the influence or intrigue of his relatives Āhuka on the side of the Vrishnis and Akrūra on the side of the Andhakas seem to have led the Federal Diet [These two, according to the Sabhā Parvan<sup>2</sup>, had

<sup>1</sup> उग्रसेनो नामाश्वः । *Valakāśaśya* on P IV I 114 Kielhorn II p 114

<sup>2</sup> Ch XIV, 33-34

contracted a political marriage between their families.]

I give below the text and translation of the discussion.

भीष्म उवाच ॥

अत्राप्युदाहरन्तीममितिहासं पुरातनम् ।

संवादं वासुदेवस्य महर्षेर्नारदस्य च ॥ १ ॥

वासुदेव उवाच ।

नासृष्टत् परमं मन्त्रं नारदार्हति वेदितुम् ।

अपण्डितो वाऽपि सुहृत्पण्डितो वाप्यनात्मवान् ॥ ३ ॥

स ते सौहृदमास्थाय किञ्चिद्वक्ष्यामि नारदं ।

कृत्स्नां बुद्धिं च ते प्रेक्ष्य संपृच्छे त्रिदिवङ्गम ॥ ४ ॥

दास्यमैश्वर्यवादेन ज्ञातोनां वै करोम्यहम् ।

अर्धभोक्ताऽस्मि भोगानां वाग्दुरुक्तानि च क्षमे ॥ ५ ॥

अरणौमग्निकामो वा मथ्नाति हृदयं मम ।

वाचा दुरुक्तं देवर्षे तन्मां दहति नित्यदा ॥ ६ ॥

बलं सङ्कर्षणे नित्यं सौकुमार्यं पुनर्गदे ।

रूपेण मत्तः प्रद्युम्नः सोऽसहायोऽस्मि नारद ॥ ७ ॥

अन्ये हि सुमहाभागा बलवन्तो दुरासदाः ।

नित्योत्थानेन संपन्ना नारदान्यकवृण्वयः ॥ ८ ॥

यस्य न स्युर्न वै स स्याद्यस्य स्युः कृत्स्नमेव तत् ।

द्वयोरनं प्रचरतोर्वृणोऽप्येकतरं न च ॥ ९ ॥

स्यातां यस्याहुकाक्रूरी किं नु दुःखतरं ततः ।

यस्य चापि न तौ स्यातां किं नु दुःखतरं ततः ॥ १० ॥

सोऽहं कितवमातिव द्वयोरपि महामुने ।

नैकस्य जयमायंसे द्वितीयस्य पराजयम् ॥ ११ ॥

ममैवं क्षिप्रमानस्य नारदोभयदर्शनात् ।

वक्तुमर्हसि यच्छ्रेयो ज्ञातीनामात्मनस्तथा ॥ १२ ॥

नारद उवाच ।

आपदो द्विविधाः कृष्ण बाह्याभ्यन्तराय च ।  
 प्रादुर्भवन्ति वाण्येयं स्वकृता यदि वाऽन्यतः ॥ १३ ॥  
 सेयमाभ्यन्तरा तुभ्यमापत् कृच्छ्रा स्वकर्मजा ।  
 अक्षूरभोजप्रभवा सर्वे ह्येते तदन्वयाः ॥ १४ ॥  
 अर्थहेतोर्हि कामाद्वा वीरवीभत्सयाऽपि वा ।  
 आत्मना प्राप्तमैश्वर्यमन्यत्र प्रतिपादितम् ॥ १५ ॥  
 कृतमूलमिदानीं तत् ज्ञाति-शब्दं सहायवत् ।  
 न शक्यं पुनरादातुं वान्तमन्नमिव स्वयम् ॥ १६ ॥  
 बभ्रूयसेनतो राज्यं नामं शक्यं कथंचन ।  
 ज्ञातिभेदभयात्कृष्ण त्वया चापि विशेषतः । १७ ॥  
 तच्च सिध्येत्प्रयत्नेन कृत्वा कर्म सुदुष्करम् ।  
 महाचयं व्ययो वा स्याद्दिनाशो वा पुनर्भवेत् ॥ १८ ॥  
 अनायसेन शस्त्रेण मृदुना हृदयच्छिदा ।  
 जिह्वामुद्धर सर्वेषां परिमृज्यानुमृज्य च ॥ २० ॥

वासुदेव उवाच ।

अनायसें मुने शस्त्रं मृदु विद्यामहं कथम् ।  
 येनैषामुद्धरे जिह्वां परिमृज्यानुमृज्य च ॥ २० ॥

नारद उवाच ।

शक्यान्नदानं सततं तितिक्षाऽऽजं वसार्दवम् ।  
 यथार्हं प्रतिपूजा च शस्त्रमेतदनायसम् ॥ २१ ॥  
 ज्ञातीनां वक्तुकामानां कटुकानि लघूनि च ।  
 गिरा त्वं हृदयं वाचं शमयस्व मनांसि च ॥ २२ ॥  
 नामहापुरुषः कश्चिन्नानात्मा नासहायवान् ।  
 महतीं धुरमादाय समुद्यम्योरसा वहेत् ॥ २३ ॥  
 सर्वे एव गुरुं भारमनङ्गान्वहन्ति समे ।  
 दुर्गे प्रतीतः सुगवो भारं वहति दुर्दहम् ॥ २४ ॥

भेदाहिनाश सङ्घाना सङ्घमुख्योऽसि केशव ।

यथा त्वा प्राप्य नोत्सीदेदयं सङ्घस्तथा कुरु ॥ २५ ॥

नान्यत्र बुद्धिचान्तिभ्यां नान्यत्रेन्द्रियनिग्रहात् ।

नान्यत्र धनसन्त्यागाद्गुण प्राप्तेऽवतिष्ठते ॥ २६ ॥

धन्यं यशस्यमायुष्यं स्वपक्षोद्भावने सदा ।

ज्ञातीनामविनाश स्यादयथा कृष्ण तथा कुरु ॥ २७ ॥

प्रायत्या च तदात्वे च न तेऽस्यविदित प्रभो ।

षाड्गुण्यस्य विधानेन यात्रा यानविधौ तथा ॥ २८ ॥

यादवा कुकुरा भोजा सर्वे चान्धकहृण्यय ।

त्वय्यायत्ता महाबाहो लोका लोकेऽखराय ये ॥ २९ ॥

Bhishma said —In this connexion (on relatives in politics) this *old history* is quoted—this dialogue between Vāsudeva and the great sage Nārada (2)

Vāsudeva said

Nārada, matters of state counsel of vital importance can neither be made known to one who is not a friend, nor to a friend who is not an expert, nor even to an expert if he is not of master mind (3)

As I find the right friendship in thee on which I can depend, I want to speak something to thee, Nārada In view of thy all embracing intelligence I want to put a question to thee, the happy one ! (4)

Rulership (Aisvarya) it is called, but really it is *slavery* to relatives that I am performing Although I am entitled to the *half of executive powers*, I have only got to suffer bitter speeches (5)

My heart between cruel words, O Divine Seer, is like the Aram (wood) which a man, desirous of producing fire, is twirling It is consuming me every day (6)

(Although) Samkarshana is always noted for strength and Gada for princely qualities, and Pradyumna is even handsomer than me, still I am without a following, O Nārada —(7)

Other Andhakas and Vrishnis indeed are endowed with great prosperity and might and are redoubtable. They are, Nārada, always full of [political] energy (*utthāna*)—(8).

For him, in whose favour they are, there is every thing. If they are not so, then one cannot exist.

As regards Āhuka and Akṛūra, if they are in one's favour, there is no greater misery for that man. And if they are not in one's favour, there is no greater misery for him either. I cannot elect the party of the either.—(9-10).

I am between these two, Great Sage, like the mother of two gamblers (gambling against each other) who can neither desire the victory of the one nor the defeat of the other.—(11).

Now, Nārada, take into consideration my position and also the position of my relatives and tell me please what may be beneficial to both. I am distressed.—(12).

Nārada replied :

[In a republic] dangers are of two kinds, Krishna, the external ones and the internal ones, or, those which are created internally and those which arise from elsewhere.—(13).

It is the internal difficulty which is present in this case. It is the result of (the members') own acts. The following of Akṛūra the Bhōja, with all these families from (hope of) material gain, from caprice or from envy of bravery,<sup>1</sup> have transferred the political power [lit 'rulership'] obtained by them to some one else.—(14-15).

The authority which has taken root already and which is fortified with the title of relatives<sup>2</sup> they can not take back like vomited food. They can in no way take back government from Babhru Ugrasena for fear of disunion with a relative. And you especially cannot (help them), O Krishna.—(16-17).

<sup>1</sup> Or, 'terrible speech' : See p. 193, foot-note.

<sup>2</sup> Adopted from Pratap Chandra Roy's Translation.

And if that is even done (Ugrasena is driven out of authority i.e. presidentship), by doing a bad (illegal) act, there would be fear of serious loss, waste, and there may be even a fear of destruction —(18)

Use then a weapon which is not made of steel, which is very mild and yet capable of piercing all hearts, sharpening that weapon again and again, rectify the tongues of relatives —(19)

Vāsudeva said

What am I to understand, O Sage, by that weapon which is not made of steel and is mild, and sharpening which I have to employ in rectifying their tongue —(20)

Nārada said

The weapon which is not made of steel is this Recognition of merit in others and honouring them, mildness, straight forwardness, toleration, and constant entertainment according to your capacity —(21)

Of relatives who are anxious to speak, words which are bitter and light you should not really mind and you should by your reply appease their mind, sentiments and tongue —(22)

None but a great man, one of master mind and commanding a following can successfully exert himself in carrying on high political responsibility —(23)

Every ox can bear upon him a heavy burden and carry it on plain ground It is only a noble and experienced animal that can carry a difficult burden through a difficult path —(24)

Destruction of saṁghas (republics) lies in disunion You are the leader of them, O Keśava As the republic has got you (as president at present) act in the manner that the saṁgha should not decline —(25)

Nothing but tact and tolerance, nothing but control of one's personal tendencies, nothing but liberality, are the qualities which reside in the wise man for the successful leadership of a republic —(26)

Kṛṣṇa, elevation of one's Party leads always to long



life, glory and wealth. Act in a way that destruction may not befall the relatives.—(27).

There is nothing, O Lord, in the matter of Future Policy and Present Policy as well as in the Policy of Hostility and in the Art of Invasion, in employing Foreign Policy, which is not known to you—(28)

[Prosperity of] all the Andhaka-Vrishnis, the Yādavas, Kukurās, and Bhojas—with their people and rulers of people,<sup>1</sup> depend upon you, O you of long arms —(29)

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<sup>1</sup> *Īśvara* in the meaning of 'ruler' is a technical term, e.g., *Mahabhashya* on P., VI 1 2, Kuehner, III, p 7, 'ईश्वर आशापतिः रामाद्वामाश्वद्वया आनीदनी प्रागाङ्ग यानिभी प्राङ्ग आनीयन्तानिति'. Cf. *ibid*, II, 365. See also *Gautama Dh S* IX, 63, J, I, 510, 'īśvarya', 'sovereignty'

## APPENDIX B

*List of Indian Republics discussed in Part I.*

- 1 Agra-śreṇi (Agsinae)
- 2 Ambhashṭha (Ambastanoi, Sambastai)
- 3 Andbaka
- 4 Andhra
- 5 Araṭṭa, Arishṭa (Adrestai)
- 6 Audumbara
- 7 Avanti (Dvairājya)
- 8 Ābhīra
- 9 Ārjunāyana
- 10 Bhagala
- 11 Bharga
- 12 Bhoja
- 13 Brāhma guptā
- 14 Brāhmāṇaka (janapada) (Brāchmanoi)
- 15 Buli
- 16 Chikkali Nikāya
- 17 Dakshin-Mallas
- 18 Dāmani
- 19 Dāṇḍaki
- 20 Gandhāra
- 21 Glauchukāyanaka (Glaukanikoi, Glausa)
- 22 Gopālava
- 23 Jālmāni
- 24 Jānaki
- 25 Kāka
- 26 Kāmboja
- 27 Karpāṭa (Kharaparika)

- 28 Kāṭha (Kāṭhians)
- 29 Keralaputa
- 30 Kaundibṛisa
- 31 Kaundāparatha
- 32 Kausṭhiki
- 33 Koliya
- 34 Kshattriya (Kathroi)
- 35 Kshudraka (Oxydrakai)
- 36 Kukura
- 37 Kuninda
- 38 Kuru
- 39 Licchhavi
- 40 Madra
- 41 Mahārāja (Janapada)
- 42 Mālava
- 43 Malla
- 44 Maundī Nikāya
- 45 Moriya
- 46 Muchukarṇa (Mousikani)
- 46 Nābhaka and Nābha Paṅkti
- 47 Nepal dvairājya
- 48 Nysa (Akoubhi)
- 49 Parśva
- 50 Patala
- 51 Pāñchāla
- 52 Piṭinika
- 53 Prārjuna
54. Prasthala (Presti)
- 55 Pulinda
- 56 Pushyamitra
- 57 Rājanya (Janapada)
- 58 Rāshṭrika
- 59 Satvat
- 60 Śākya
- 61 Śālakāyana

- 62 Sanakānīka
- 63 Satiyaputa
- 64 Śayaṇḍa
- 65 Sāpiṇḍi-nikāya
- 66 Saubhūti (°ta) (Sophytes)
- 67 Śibi (Janapada) (Siboi); [ Mādhyamikeya]
- 68 Surāshṭra
- 69 Śūdra (Śudrāyaṇa=Sodrai)
- 70 Trigartas
- 71 Uttara-kuru
- 72 Uttara-madra
- 73 Utsava-Saṅketa
- 74 Vasāti (Ossadioi)
- 75 Vāmaratha
- 76 Videha
- 77 Vṛji
- 78 Vṛika
- 79 Vṛishṇi
- 80 Yaudheya
- 81 Yona

## APPENDIX C

### Additional Notes on Part I (1924).

#### P 4—*ARTHASASTRA* (KAUTILYA)—its authorship and date

Recently the controversy about the date of this work has reined Dr Jolly (*Arthasāstra of Kautilya* Ishort, 1928, Intro pp 1—47) has pronounced the work to be a piece of forgery of about the 3rd century A C (pp 43, 47) 'we might abide by the 3rd century as the probable date of the A,' 'the real author was a theoretician' and Kautilya himself a 'fabulous minister' (p 47)

#### (i) *Authorship*

To take up the latter thesis first, Jolly's arguments are

- (a) 'the traditional accounts of K do not refer to K in the capacity of a teacher or author of literary compositions'
- (b) 'nor is his name ever mentioned by Megasthenes'
- (c) 'nor does the latter writer's description of Indrā bear out the theory that he was a contemporary of K'
- (d) 'Patanjali in his *Mahabhaṣya* refers to the Mauryas and to the *śākhā* of Chandra Gupta, he is silent about K'
- (e) 'K is a mere nickname denoting falsehood or hypocrisy, which could hardly have been devised by the renowned minister of Chandra Gupta himself'
- (f) 'Nor does the character of the work stamp it the production of a statesman, filled as it is with pedantic classification and puerile distinctions, like all the *Sāstras* composed by Pundits'

Jolly's *Conclusion*—"The real author" therefore 'was a theoretician, no statesman but perhaps an official in a state of medium size (p 47). 'The ascription of the work to K or Chanakya was entirely due to the myths current regarding that fabulous minister who was looked upon as the master and creator of the art of polity and as the author of all the floating wisdom on the subject of Niti' (p 47)

Argument (a) is contradicted by the latter portion of the conclusion, admitting that K is traditionally regarded 'as the author' etc. Such tradition in literature does exist, e.g. Jaina—'Koṭilliyam a false śāstra' in the Nandi Sūtra cited by Dr Shāma Sastry, AŚ. (1909), Upodghāta, IX, and Sanskrit—Pañcha-tantra, Kamandaka, Dandin ('revered teacher'), Medhatithi, etc.

Argument (b) is disposed off by the simple answer : where is the book written by Megasthenes? Find that first, as we cannot build a hypothesis on a book not yet found.

Argument (c) evidently refers to a theory started on the supposition that K. knows no large empire but only a small kingdom, as he has the mandala or prakṛti theory of neighbours and records the existence of republics and a policy towards them. The supposition is contradicted by fact K says that the Imperial tract (*chakravartī kṣhetra*)<sup>1</sup> lies between the Himalayas and the Ocean, 92<sup>2</sup> thousand yojanas in the straight line (as the crow flies). It is hardly possible to imagine a state without neighbours, a policy towards neighbours will have to be postulated by any statesman however large his empire may be. Then we know that there were a number of neighbours in the South who were reduced in the next reign—i.e., of Bindusāra.<sup>3</sup> When Chāndragupta took the North-Western provinces from the Greeks, it does not follow that he took the land without its rulers, republics generally, who were existing under the system of Alexander. The *Saṅgha-vṛtta* lays down a policy towards the republics which it assumes to be under the king's sphere of influence, be they in (1) the Punjab (2) Afghanistan (Kamboja), (3) Western India, or (4) North Bihar. There were therein parties in favour of the suzerain and parties against him (AŚ. He was to sow the seed of dissension, patronize some, instal or depose one of the leaders (p. 376). Now we know that in no other than the early Maurya time Afghanistan, the Punjab, Western India and North Bihar at one and the same time were under the sphere of one Indian king. The fact that K. hardly tolerates sub kings is one which is only compatible with the Maurya times. Under the Sungas the imperial policy changes; it becomes largely feudal (see the local *rājās* in the inscriptions).

(d) Patañjali, it is true, does not refer to Kautilya. But Jolly ought to have shown any sūtra of Pāṇini or a Vārtika of Kaṭyayana or a comment of Patañjali which could be the occasion of a mention

<sup>1</sup> IX 1, p. 338

<sup>2</sup> Saṅkarārya's reading, KNS, I 39

<sup>3</sup> J. B. O. R. S., II. 81.

of Kautilya. If Patanjali does not mention Bindusara, Aśoka, Radhagupta or the Buddha, is that a reason to hold that they did not live? Patanjali was not writing history.

- (e) Names are not devised by the bearers: they are given by parents. It is difficult to get rid of names, and no sensible man cares to change an awkward name, e.g., *Sunahsepha*, *Pisuna*, *For*. As it has been repeatedly pointed out,<sup>1</sup> *Kautilya* was a *gotra* name coming down from generations. The forefather who bore the name *Kutila* or *Kautili*<sup>2</sup> is answerable to Dr. Jolly and not Kautilya. Visbhugupta *Chāṇakya* [the name derived from the father according to Hindu literature<sup>3</sup>] is mentioned in a painted inscription in the Bijayagadh cave (Mirzapur) in Gupta script of the 4th century A.C., a photograph of which has been brought by Rai Saheb M. Ghosh, Curator, Patna Museum. It reads *Chāṇakya roshah*.

- (f) If all the Śāstras composed by Pandits have puerile distinctions and pedantic divisions, it is a literary fault of Kautilya's country; he could not escape the traditional mannerism in letters. The style of a certain European country is heavy and pedantically detailed in the eyes of other Europeans. That style, be the author a college professor or a statesman lecturing on statecraft, cannot be avoided by the native. To me, the details and theories of the AŚ are such that no theoretical writer, *i.e.*, the contemptible 'Pandit' could have written it. This is in fact admitted by Jolly when he says that the writer was probably an official knowing administration. The admission itself contradicts the 'Pandit' 'theoretician' theory. 'The A deals with internal and external policy and may be designated as an ancient Imperial Gazetteer of India, as a manual of political economy and polity (Jolly, 12). Again, 'the general tendency of the A is thoroughly realistic and worldly (Jolly p. 8). The onus on Dr. Jolly is very heavy to prove that the author is some one other than the named and acknowledged (e.g., by Sanhararya, Bāṇa, Dandin, Kamandaka, and others) author of the work. Forgery is to be proved, not merely asserted, and proved by the party alleging it. It is for the reader to see if Dr. Jolly has discharged that onus. In my opinion he has not.

(ii) *Date*

Now let us take the theory of date

One has to agree when Dr Jolly, very rightly says that there is a rare unity of plan and structure pervading the whole work (p 5). The device beginning with contents and ending with the notes on the system of the work which unifies the whole work, and the cross references in the body of the work leave no doubt that the whole work is by one and the same author. There is also common ground when he shows that the book as we have it (I may add, but for faulty readings and copyist's mistakes) is the same which existed about 400 A C (pp 8, 9, 12). Thirty quotations in the *Tantrabhāṣya*, and citations in later books prove it. Thus the question in controversy is reduced to this, when was the AS written between 300 B C and 400 A C. This limit is further narrowed down by Jolly's view, rightly held, that Vatsyāyana had before him the AS while writing the S and he takes the time of the KS, to be "the fourth cen. or so" and consequently places the AS in the third century A C (pp 29, 43).

*Arguments for the third century A C. Date*

Arguments of Jolly for the third century date are .

1 That both Kautilya and Bhāṣa have a verse (नव म्नाव etc) in common, and K takes it as a quotation, hence he must have borrowed it from Bhāṣa whose date is 3rd cen A C (p 10)

2 That K. and Yājñavalkya agree in their laws, that K. therefore converts Y's laws into sūtras (p 17), and Y's date is the same i.e. 3rd cen. A C (p 47)

3 That the *Malābhāṣya* nowhere mentions the A

4 That the *Rajadharma* in the *Mahābhārata* and the *Dharma Sūtras* is in an embryonic condition as compared with the A's detailed provisions and advanced condition of life (p 30)

5 That the A knows the *Purāṇas*

6 That one of the *Kamaśāstra* sections, the *Vaiśika*, is mentioned by K. (p 32)

7 That the A knows technical terms of Sanskrit grammar and is acquainted with *Aśhādhyāyī* (p 32)

8 That astrology and divination are known to it and two planets are mentioned by name in it

9 That it knows a book on metallurgy called *śulbadhātva śāstra* (on copper) (p 35)



10 That it knows many technical treatises e.g. on mining, architecture, finance, jewels, alchemy, etc. "His work is the outcome of a long period of literary activity in the field of poetry rather than the production of a creative genius—another reason for not fixing its age limit too high" (p. 33)

11 That "the minister (K) in the *Mudra Rāksasa* is probably a myth, why should not K be mythical as well" (p. 34). The Greeks do not mention him. The rise of a new dynasty might have 'given a start to the invention of myths' (p. 34)

12 That K refers to alchemy which was 'a late growth on the tree of Indian Science' (p. 34)

13 That K mentions *Suranga* which is from the Greek term *Syrinx*

14 That the description of India by Megasthenes and the Asoka inscriptions do not show such an advanced stage as the A. (p. 31),

e.g. the A. knows state monopoly of mines, superintendents of mint, metal, mineralogy, chemical skill in producing coins, ornaments, etc., while Megasthenes refers to five metals only and Strabo says that Indians are inexperienced in the art of mining and smelting

15 That the A. mentions written documents, while Megasthenes says that the Indians did not know writing

16 That Megasthenes does not mention the premium on coins, taxes on gambling, liquors, road cess etc. which the A. describes

17 That the description of Megasthenes agreeing with the A. proves nothing as the A. agrees also with the Chinese pilgrims and Alberuni

18 That Pataliputra is nowhere mentioned (p. 43). Geographical horizon of the author indicates that the book was written in the South from where it has been discovered

19 That the A. gives the opinion of K by name. This comes under the definition of *apadeśa* of the A. proving that K could not himself have written the work

20 That the opinions of others cited are imaginary, the names being taken from the *Mahā Bhārata* (pp. 31, 44)

#### *Examination of Jolly's arguments*

1 The verse '*navam saravam*' etc. is a memorial verse used in exhorting soldiers in war. Exhortation to soldiers is as old as history, the verse is based on a primitive belief which is reminded thereby—that the

faithless soldiers will go to hell. If we consider the following point, it will be evident that it is not possible for K to have borrowed from Bhāṣa, but that he must have borrowed either from some other book or as he implies, अदीक्ष्योक्तौ भवतः, from floating, current memorial verses. The point is that K gives two verses and the Navam 5<sup>o</sup> one is the second, reading after the first (X 3). Without the first it is incomplete. Bhāṣa has only the latter one. How could it be said then that K borrowed from Bhāṣa?

2 It is perfectly true that there is a close agreement between Y and K in laws. I have discussed the point in my Tagore lectures. Here I shall take up only one datum which completely disposes of the question of priority. K uses a term *Yukta* meaning an official, which occurs in Aśoka's inscription as *Iṇṭa*. The latter term none could understand before the publication of the A as the term in literature subsequent to A has gone out of use altogether. Y could not understand it as used in the A 'युक्तं कर्म चायुक्तम्' 'an official act of a non official' (as pointed out by Dr Shama Sastry in his first edition of the the A Intro p X), and he uses *yogya* proper' अयोग्यो योग्यकर्मकृतः, II 235) where K gives *Yukta*, and *ayogya* 'impr per' where K has a *yukta*. This can only be explained on the hypothesis that Y, versified the laws of K and in places could not understand it. Jolly tries to meet this by saying that the demand for statement on oath being unauthorized was 'improper' and therefore the difference is purely nominal. But how could any one explain even by straining, अयोग्यो योग्यकर्मकृतः 'an incapable man doing a work which should be done by a competent man' on the theory of 'nominal difference'?

Then, K uses verses at times, if he was going to borrow from Y why should he have turned verses into Sūtras? The more rational process is to versify sūtras, and Y followed that. There is no case made out for supposing a reverse process.

As Y is assigned to the 3rd cen A C, and *Yukta* has so long ceased to have the technical sense that a legal author could not understand it, the date of A should be some centuries before 200—300 A C.

3 Occasion for the mention of the A is to be shown in the Mahabhāṣya before we can deduce anything from the silence. Many Vedic works are not mentioned by Patañjali, for that reason no one can say that they did not exist. He was not writing a history of literature.

4 The Dharma Sūtras deal with Dharma laws, while the A deals with artha principles and laws. The subject of the DhS, is not political science but Dharma law. The subject of politics being

principal in one and incidental in the other, no comparison can be instituted for the purposes of chronology. I would demur to characterize the M Bh Raja dharma as being in embryonic state, in the theory part it is more developed than the A. Then, every inferior writer does not change chronology. Some Tagore lectures after those of Dr Jolly are far inferior, they for that reason could not be placed in a time earlier than his.

5. The oldest Dharma Sūtra knows Purāṇic literature. Āpastamba mentions the Bhṛgviśya Purāṇa (II 24, 6, p 98), and 'Purāṇa' again in II. 9 28, 3. The Bhṛgviśya existed according to Pargiter's researches very early. *Purāṇa* is mentioned as early as the Chhāndogya Upaniṣad II 3).

6. The *Faiṣika* book was written by Dattaka at Pataliputra before Vaiśyayana. There is nothing to show that it or any other *Faiṣika* was not written before 300 B C.

7. Knowledge of Pāṇini does not go against the 300 B C date of K. (See *ante*, p 33, n.) Also note the pie Pāṇinean use (*Of*. Macdonell, HSL p 267 in the A of *nāma akhyāta*, *upasarga* and *nipāta* (II 10). In other words, Pāṇini's terms had not become established fully as in the time of Patañjali and later.

8. Divination is as old as the Atharva-Veda. The origin of astrology has been already shown to be Mesopotamian<sup>1</sup>. The Greeks and Hindus both borrowed from the same source. No argument of chronology can be based on the mention of two planets. The fact that the planets as they appear in Greek astrology and later Indian literature do not find place in the A is an argument in favour of an early date for the A. Metallurgy, particularly knowledge of working copper, must have been known in a country where copper coins, silver coins, alloys in coins, 'white metal' (or nickel? brought to Alexander in the Punjab), bronze iron, glass etc have been worked for centuries before Alexander and Chandragupta, as proved by the positive evidence of finds (punch marked coins, utensils at Pataliputra and other places). Recently Rai Sahib M Ghosh has found cast iron in the Maurya stratum at Pataliputra. Cast glass seals have been found with Maurya and pre Maurya lettering by Dr Spooner and the Rai Sahib at Pataliputra (JBORS, Sep 1924). Seven metals are known as early as the *Lajurveda* (Vā S, XVIII 13, XXIII 37).

9-10. The argument is against the theory of fanciful quotations in the A S. If there was a long previous literary activity, the quotations are

<sup>1</sup> JBORS, 1919 p 664. *Ind Ant*, 1918 p 112

natural If before the A, *æ*, before Alexander, there were technical treatises, K could not make every science begin after the Greek invasion. Why should the existence of treatises be a reason to fix the date too low and not 'too high' (a term too ambiguous to meet) is not explained by the learned scholar

11 It is not proved that 'Rakshasa' is a myth From unknown to unknown is not a logical step Further, if one minister is mythical why all others be mythical? If the Greeks do not mention him, it is K's ill luck Non mention by the Greeks, though it may take away the distinguished character of a human being, cannot disprove the very existence of a man Moreover, where have you got the complete writings of the Greeks (*æ*, Megasthenes)? Rise of a new dynasty *may* give rise to myths, at the same time it *may not*, or may on one point and may not on others

12 Dr Jolly knows the Hindu theory that alchemy was born in India before the Christian era<sup>1</sup> In any case it is not yet proved where the so called science first made its appearance In connexion with alchemy in later Indian literature we have the mention of Constantinople (Rūma), if we connect the AS with later alchemy we have to come down to Muhammadan times Jolly therefore has to postulate a probable "Greco Syriac" origin and to place that hypothetical origin in the 1st cen A C. But one hypothesis cannot prove another We must have a proven fact that alchemy is not original to India and that it was borrowed by India from a 'Greco Syriac' original and from nowhere else The very fact that we have alchemy before 300 A C. in India shows that we have to give up the theory of Arabian origin and admit that there was an earlier stratum, either Indian or foreign We cannot go further than that because nothing can be proved at this stage beyond that *Ruma* and *Barbara* as found in later literature must refer to another and a subsequent importation

13 Syriac was employed in seges in India in Alexander's time K living both before and after Alexander's invasion can very well use the term. Besides some Greeks had been living on the Indian frontier earlier and under the Persians in the Punjab, as Greek letters are found on Persian coins struck in India (see above, p. 147)

<sup>1</sup> Alberuni (AVII) gives the name of *Yāqūt* before the Christian era *Yāqūt* must have had predecessors

14 Aśoka's inscriptions do not undertake to give a gazetteer of the administrative system. Can any one attach the slightest importance to the Greek allegation that Hindus did not know smelting when we have coins, ornaments (e.g., the fine gold ring found at Pāṭaliputra) cast iron, cast glass seals etc. of the Maurya and pre Maurya times? The Greeks themselves mention the fine vases carried in front of Chandragupta and gold vine in his palace. If Megasthenes mentions only five metals, his knowledge is poor as in so many other instances (seven castes, writing, etc.). Seven metals are known to the Y Veda alone. In the absence of his original book we cannot say what he actually said and of which part of India.

15 Megasthenes himself says that there were registers kept on the roads to find out distances and there were mile stones. The Jātakas mention written tablets, seals, and inscriptions of Aśoka prove writing to have existed and been largely employed in the Maurya times. Could writing suddenly appear with Alexander? Aśoka two generations later publishing his inscriptions all over India (unless to be read by Greeks and explained to Indians!) and his father Bindusāra writing to the Greek king disprove the utterly untenable assertion.

16 Megasthenes' 'tax on articles sold would include octroi and general taxes of the A. Besides, Megasthenes' work is not before us.

17 If agreement between Megasthenes and the A. proves nothing, how can disagreement prove anything?

18 The non mention of Pāṭaliputra proves nil. The trade route to the South for the sake of shell, diamond, gems, pearls, etc., was no doubt important. At the same time the A. mentions Kāśī, Nepal, Kukura, Lichehavi, Mallā, Kamboja, Kuru, Pāṇchāla, Surāshtra, Madra etc. His horizon is predominantly Northern.

So many MSS have come out in the South. Did all those authors (Bhāṣya, etc.) belong to the South for that reason?

19 The A. being avowedly based on old works and the Sūtra and Bhāṣya being combined in one treatise, every sūtra having original opinion of the author necessarily became *apadeś*: As Fleet has pointed out and almost every Hindu knows, it is a very ancient and even current practice to give the author's name in his composition in this country. It appears odd to a foreigner, but it is commonplace in this country.

20 As Mahamahopādhyāya Gaṇapati Śāstri has shown (A S II, intro) quotations from Viśaṅkṣha and Brihaspati are extant in literature. I may add to them by pointing out quotations from Sūtra (Uśanas) and Brihaspati in the *Tilg* to the Nīṭivakyaṃṛta published by Paṇḍit

Nāthūrgama Premān of Bombay, and from the Mānava AŚ, pointed out above (p 8)

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Jolly has rightly ignored such untenable views as for instance 'that the style of the A. is not archaic' and 'that geographical data prove a late date'

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There are pieces of evidence in the A. which are compatible only with the fourth century B C date

(i) The use of *Yukta* which is only known to the Maurya times, and the 'geographical horizon' in laying down the policy towards the republics can only refer to the Maurya times. In the first century B. C. and the 1st or 2nd century A. C. there was no power, no 'king' (for whom Kautilya wrote the Samgha Vritta policy) who had from Videha to Afghanistan under him

(ii) Take again the term *Yuga*, meaning five years (II. 20). This is known to the Jyotisha Vedāṅga, and is not known to the literature of the early centuries including the Mānava Dharma Śāstra.

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season began in Śrāvāṇa, unlike today when it begins in the middle of Āśāḍha. Now, season falls back about one day and a half every century —

"In consequence of this difference the beginning of Varṣha, or the 'rainy season, in the times of Alexander and Aśoka, would have fallen just one month earlier than at present."

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The heterodox Jaina and Buddhist and the orthodox Brāhmin literatures assert that Kautilya was the minister of Chandragupta. The Buddhist and the Jaina books treat him as having been a rascal, debasing coins and making money, making conquests and killing men, etc. The Pūrāṇas, on the other hand, show him to be an able minister. How could such contrary and human details be given to a person imaginary? His condemnation and awkward Gotra name are proof to my mind of his historical existence. If we look into the A. it answers both characterizations of K., the heterodox and orthodox. He would put down the heterodox, and the heterodox would find him a bad man.

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P 6—Works of the 4th–5th cen A C. and the <sup>date</sup> of the <sup>of the</sup>  $\frac{1}{\alpha}$  S N  
Kāmandakīya

Quotations in the Rājā-N Ratnākara indicate that there was also a Nārādīya Rājā-niti (See *Introduction* to the R N R, 1924, p 7).

Nārada figures as a teacher of political wisdom in the Mahā-Bhārata (Sabha Parvan), and he is not known to Kāmandaka. The Nārādīya thus probably came into existence before the sixth century and after Kāmandaka.

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There is a revival of the tradition of Chandragupta Maurya in Gupta times. Royal parents name their sons after him (thrice). Viśakhadatta compares him with Vishnu in his play written under one of the Chandraguptas of the Gupta dynasty (I A 1913 p 265). Chandraguptan laws in the Kautiliya are closely reproduced in the Nārada Smṛiti. Chandragupta's Artha Sastra is versified and adapted in the Kāmandakīya Nitisara. There is an ambition, partly realized, of founding a large empire from Pataliputra like that of Chandragupta Maurya. Kalidasa, a Gupta poet, says that the country becomes *Riyavali*, 'possessed of a just king', only on account of the Magadhan emperor (Raghuvamśa)<sup>2</sup>.

<sup>1</sup> See the monetary system of Nārada (App 56–60) which extends up to the Punjab and knows Dīnara.

<sup>2</sup> To say this he has even to commit an anachronism, making the Magadha monarchy which came into existence only with Vasu (J B O R S, 1) contemporary with Raghu.

[Jolly, (though without assigning any reason) also takes the *Sloka* to be contemporary with the composition of the book<sup>1</sup>]

(vi) If the book existed before Vatsyayana, and Kāmandaka ascribed it to K.,—the onus is on him who wants to ascribe the authorship to another to prove that and disprove the evidence of the A itself corroborated as it is by Vat and Kam, Dandin and Medhātithi, Pañcha T. and Tantra-akhyanas

(vii) There is motive for promulgating a Dharma Śāstra ascribing it to a Rishi, but there is no such motive in ascribing a maternal book to another. Besides, Kautilya is not a Rishi. Earlier AŚ books had Rishis as authors. If a Pandit writing the book wanted to foster it on another, he would have ascribed it to some Rishi and a name unhated by a large section of the community (Buddhists and Jainas)

(ix) The Puranas seem to give a second name of Chandragupta as *Narendra*<sup>2</sup>. There is evidence that not only the name of the author is in the book, but also the name of the king, '*Narendra*,' whose monogram or mark '*Narendrāṅka*' is directed in the A to be put on arms (V 3, p. 247, see also नरेन्द्र, II 10)

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<sup>1</sup> The first *Sloka* giving the author's name was in the book before Dandin who gives the identical measure of the book just preceding and says that the work was composed as an abridgement by Viśaṅgu Gupta for the Maurya almost quoting the words of the A as in the *Sloka* and the previous passage

<sup>2</sup> IA 1918 p 55

<sup>3</sup> M & K I I 11, 142 346

P 6—Works of the 4th–5th cen A C. and the date of the  
Kāmandakiya

Quotations in the *Raja-N.* Ratnākara indicate that there was also a *Naradiya Raja-niti* (See *Introduction* to the *R N R*, 1924, p 1).

Narada figures as a teacher of political wisdom in the *Mahā-Bharata* (*Sabha Parvan*), and he is not known to Kāmandaka. The *Naradiya* thus probably came into existence before the sixth century and after Kāmandaka.

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P 51—'LECHCHHAI,'

*Riksha* would also give both *Lichchha* and *Likkha*, but we get such forms for the Lichchhavis (cf Jaina spelling *Lekkhar*) as point to *likshu*, house, as the origin. Manu's *Nichchhasi* would be a local dialectical variation which is peculiar to Eastern India.

P 63 *n*<sup>1</sup>—प्रवति ।

*sv*=Skt. *Chyar*, Avestan *Syar*

P. 73—*Janhar*.

It is derived from either *Jatu ghari* (the Maha Bharata 'Jatugriha,' 'the house of lac,' made to entrap and burn the Pandavas) as has been suggested, or preferably from *Jama ghara* 'House of Death' *Janhar* is spelt as *Jama kara* in the 'Kaubada de Prabandha' (a work in Old Rājasthani), p 91 (pointed out to me by Dr. Sumit K. Chatterji).

P 81—'Every man in the community had franchise —citizens *versus* non citizens

From a statement of Patañjali it is clear that in a republic there used to be slaves and artisans to whom the peculiar forms which denoted the citizens of a particular republic did not apply—नैतत्तेषां दास्ये वा कर्मकरे वा (See above § 31, p 35, *n*) This indicates that the artisans as well as slaves were not franchised. The Mauchikarnas did not keep any slaves in their state (hence the legend in Megasthenes that there were no slaves in India).

P. 82 *n*—*Kauninda* and *Kanet*

Sir G Grierson is also of the opinion that the *Kanets* should not be identified with the *Kaunindas* (L S I vol ix, p 6, *n*) The form *Kanet* is correct which was personally ascertained by me at Sipri (Simla)

P 87—*Vahikas* physique

On the physique of the *Vahikas* we may note that the Maha Bharata in abusing their heterodoxy (probably they had then become Mahayanist Buddhists) quotes a parody of a song of the *Vahikas* which shows that their women were large-bodied and that mutton was their favourite food. 'When shall I next sing the song of the *Vahikas* in this Sakala town, "when shall I again, dressed in fine garments in the company of fair-complexioned large sized women eat much mutton, pork, beef and the flesh of fowls, asses and camels? They eat not mutton like us rain'

P. 6.—Pachkara.

He figures also in the political science dialogue in the Vishnubhar-mottara (II) Probably he is only an ideal person and no author.

P. 6. 14th—18th cen Digests.

To this class is to be added Vachaspati Mitra's Rajadharma (See Intro. to R N R., p n.) The commentary on the Nitisakhyamrita, (the date of which must be earlier than its MS. copied in the 1463, *ibid.*) may be included in the class. The commentator does not restrict himself to the orthodox Dharma Sastra view. He, trying to give all the original sources of Somadeva, really gives a small Digest of Artha Sastra.

P. 8—Works in Vernaculars.

Lalla Lal wrote a Hindi book based on the Hitopadesa and the Pañchatantra and called it 'Rajajiti.'

Page 15—Village fined.

See Vasishtha Dharma Sastra, III. 1—

चक्राक्षरधीराजः यत्र भैरवपरिजितः ।

सं पालं दण्डयिष्यामि श्रीमन्नरपते हि सा ॥

P. 16— न सा मया ।

It is given also by Nārada (I. 18)

P. 26—G. ra.

The Vedic use of *gana* is in the sense of 'company of soldiers'—  
गता गता गता गता (R. V, III. 26, 6).

P. 42—State-arms of the Republics.

*Lañchā* itself may be from *Lakṣh* with what is termed by Grierson as 'spontaneous nasalisation' (JRAS, 1922, pp 381 ff.).

For *Anla* see 'Kṛita Narendrahkṣap sastravarānamayudhāgaram pravēṣa-yet' in the A S, V. 3, p 247

Page 52—Decisions on rolls (Book of Precedents).

The Jataka also knows such books of precedents. See J. III. 292, wherein the law court precedents are entered: "*rinteechaze polthalam lekhaṇepetā*" Probably Vasishtha also refers to precedents in XIX. 10

P. 53—Aṣṭa-kulaka

See EI, XV, 136, the Aṣṭa-kula-adhikarānas as town corporation officials, and note in App D, on Part II, pp. 105-6 below.

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"So do the inhabitants, drunk with wine, sing How can religion be 'found among such people?'"

At the time when the *Karnapattan* (Ch xlii) was written, evidently they had become heterodox, probably Buddhists, as it says, 'the Vahikas 'who never perform sacrifices, whose religion has been destroyed,' 'they are without the Veda and without knowledge' They are orthodox in the *Satapatha Br.* (1 7 3 8, Grierson, LSI, 4 n 8), in the *Upanishads* which describe Svetaketu going into the Punjab for religious tournament, and also evidently in P 101

#### P 93—Madra Country

In medieval Indian tradition the Punjab, especially the northern part, was always called *Madradeśa*. Guru Govinda Singh in his "*Vichitra Nāṭaka*" says that he was brought from Patna, where he was born, to *Madradeśa* or the Punjab

#### P 109—Śaṭṭāṇḍa

'Pin' probably does not convey the full sense of 'Śaṭṭāṇḍa'. Cf *Akṣha Śaṭṭāṇḍa*, the Hindu dice. The *Śaṭṭāṇḍa* was a small oblong piece which could come easily within the fist

#### P 150—Yaudheya coin legends *Bhagavato Sāṁina[h]*

*Brahmanya devasya* (C C I M 181 82, C A I p 4 78) seems to be the correct legend. *Brahmanya* is not the name of the Yaudheya king (Rapson, JRAS, 1903, 291) but the name of the god who in some coins is shown with six heads—*Kārttikeya* (as recognized by Rapson himself)

#### P 153—Mālava Coins

The variety of coins bearing single names and generally no legend of the Mālava Gana found at the same place, are attributed to the Mālavas (C C I M, 163 174—177). Probably they represent the power which superseded the Mālavas. The names are so many puzzles—e.g., *Maraja*, *Jamapaya*, *Paya*, *Magaya*. They seem to be abbreviations—*Maraja* = *Mahā raja*, Cf '*Mahārāja*' (p 177). *Jama* and *Yama* appear again and again (pp 174 176, *Jama prya*, then *Paya* only). *Mapoyaya*, *Mapaya* and *Magaya* (pp 175, 176) are probably *Mahā (Māharāja) jaya*, *Ma Mahā rāja*, *Paya*, and *Ma (Mahārāja) Gaja*. Similarly *Magajata* = *Ma (Maha) Gaja* (*Gajata*), *Gajava* = *Gaja pa*, *Ma go* (read *ga*) *jaya* = *Ma Gajapa*, *Mapaka* = *Ma Paka*, *Ma* (read *ma*) *śapa* = *Ma Śarpa*, *Magachha* = *Ma Gachha*, *Majupa* = *Ma Jupa* (*Yupa*) *Bhupamyana* (plate XX, 24) I read as *Bhampāyana*

Pp. 154-5.—Freedom in preference to home.

Cf. Manu, VII, 212 :

"Let a king, without hesitation, quit for his own sake even a country, "salubrious, fertile and causing an increase of cattle" (Bühler).

P. 156 n.—*Sanakāntkas*. A 'Mahārāja' *Sanakāntka* as a feudatory of Chandra Gupta II has left an inscription in the Udayagiri *Vaishnava* cave temple (Bhilsa, Gwalior) dated GS 82 (401-2 A C). He is the son of a 'Mahārāja' and the grandson of a Mahārāja. GI., p. 25.

- P. 183—Ethnology of the republicans.

See R. Chanda, *Indo-Aryan Races* (Rajshahi, 1916), pp. 24, 25, 240, 241.

"So do the inhabitants, drunk with wine, sing How can religion be  
"found among such people?"

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# HINDU POLITY

## Part II

### MONARCHY AND IMPERIAL SYSTEMS

IV

**HINDU MONARCHY**



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## CHAPTER XXII

### HINDU MONARCHY

#### Antiquity and Theory of Origin

§ 198. The word Rājan and its original Rāt literally mean a ruler. It is connected with the Latin *rex*. But Hindu political theorists have given it a philosophic derivation. King is called Rājā because his duty is 'to please' (rañj) the people by maintaining good government. This philosophic interpretation has been accepted as an axiom throughout Sanskrit literature. The kings also acquiesced in and accepted this constitutional interpretation of the term. Emperor Kharavela of Kalinga, who was a Jain, says in his inscription (C. 165 B.C.) that he did please his subjects, 35 hundred thousand in number. In the Buddhist Canon the same theoretic definition is found: *dammena pare rañjetit kho, Vasettha, rajā*. Both orthodox and heterodox branches of the race had adopted it. It was a national interpretation and a national theory of constitution.

§ 193A. Megasthenes, as observed before<sup>2</sup>, records the Hindu tradition current in his time that Monarchy was the earliest form of organised government in India. This is supported by the Rig-Veda where Monarchy is the normal and the only form of government known. Monarchist writers, as we have seen, utilised this fact as an argument against non-kingly forms of constitution.<sup>3</sup> After monarchy, Megasthenes was told, republican experiments were made. As the Āitareya Brāhmaṇa puts it, it was in the firmly

<sup>1</sup> *Digha Nikāya, Aggañña Suttaṃ*, 21, vol. III, p. 93.

<sup>2</sup> *Ibid.*, § 18 p. 25. See also McClintock, *Megasthenes and Arrian*, p. 200.

<sup>3</sup> See Pt. I, §§ 101, 176 of नाराजकेतु राज्ञेषु दस्तव्यमिति वैदिकम् । V DA SP

66 (Kumbh.)

the *A s u r a s* had a king to lead them, they were successful. Therefore they decided to try the same experiment. And they agreed to elect a king ;{ }

"The *Devas* and *Asuras* were fighting...the *Asuras* defeated the *Devas*...The *Devas* said, 'It is on account of our having no king that the *Asuras* defeat us. Let us elect a king'. All consented."

{ If it has a historical reference it would refer to the tribal stage of the Aryans in India and it would suggest that the institution of kingship was borrowed from the Dravidians. Whatever the historical truth in the theory, the important point to note here is that kingship is contemplated to be elective in its origin. { }

§201. Political writers, however, had a theory of their own which is confined more to the abstract side of the question. Scientists' Theory of Contract They held that the first king was elected on certain conditions or on a contract, and that the original contract was always enforced subsequently. According to this view the election was necessitated for internal administration, the authority of law by itself, the people having refused to follow. This theory of contractual monarchy, which undoubtedly was a reflex of the express republican theory of contract, found support in Vedic hymns and songs of royal election, in rituals of royal consecration which were based on elective principles, and in the

1 *Ashtaveya Brāhmaṇa* I. 14 देवासुरा वा एषु लोकेषु समयतत .....तांस्ततोऽसुरा भजयन्..... देवा यमुक्त्वा राजतया वै नो जयति राजानं कर्त्त्वामहा इति तथेति ॥

2 See the discussion in the *Artha Sūtra*, I. 9 pp. 22-23; also that in the *Mā ā. Bhārata*, § 238.

3 See above, §§ 174-6.

established Mid-land' where monarchy held its own<sup>1</sup>; that is, the change from Monarchy to republican form to which Megasthenes alludes, did not occur there. This Mid-land was the land from Kurukshetra to Prayāga—the valleys of the Jumna and the Ganges, which became the seat of the Aryan conquerors and Aryan monarchy. The Purānic history also confirms this. Its ruling houses cover the Middle Country, going beyond only in one direction—the East. The constitution of the East ('Prāchi') according to the Aitareya, was Sāmrajya,<sup>2</sup> which was a species of monarchy,—meaning, literally, 'a collection of monarchies,'—i.e., a Federal Imperialism.<sup>3</sup>

§ 199. There are several theories known to Hindu literature on the origin of Hindu Kingship. A brief notice of those theories is necessary to understand the constitutional effect which they produced on practical administration.)

Hindu Theories  
on the origin of  
Kingship

§ 200. The Vedic theory is found in the Aitareya Brāhmaṇa. It asserts that the Devas, i.e. their worshippers, the Hindus, originally had no king. In their struggle against the Asuras—when the Devas found that they were repeatedly defeated, they came to the conclusion that it was because

Vedic theory  
of origin in war

1 See Aitareya Brāhmaṇa, VIII 14 एतस्यो भुवायां मध्यमायां प्रतिष्ठायां दिवि ये के च कुरुष्वालानां राजान सवशोद्योनरायां राज्यारोह तसमिविध्यन्ते। रतेत्येना नभिविकानावन्ते।

2 See below, Ch XXXVII [Evidently at the time of the Aitareya Brāhmaṇa the North Bihar Republics had not come into existence.]

3 Videha and Magadha Janaka (probably a royal title and not a proper name) king of the Videhas, according to Vedic literature (Śatapatha Br. xi. 112; see also उपयमेव सत्राट्, Br. Up. iv 1. 1) and Jarāsaṇḍha, king of Magadha, according to the Purāṇas, were holders of the title Sāmrajit (M. Bh., See § 162)

the *Asuras* had a king to lead them, they were successful. Therefore they decided to try the same experiment. And they agreed to elect a king ;|

*"The Devas and Asuras were fighting...the Asuras defeated the Devas ..The Devas said, 'It is on account of our having no king that the Asuras defeat us. Let us elect a king'. All consented."*

|| If it has a historical reference it would refer to the tribal stage of the Aryans in India and it would suggest that the institution of kingship was borrowed from the Dravidians. Whatever the historical truth in the theory, the important point to note here is that kingship is contemplated to be elective in its origin. ||

§201. Political writers, however, had a theory of their own which is confined more to the abstract side of the question. Scientists' Theory of Contract They held that the first king was elected on certain conditions or on a contract, and that the original contract was always enforced subsequently. According to this view the election was necessitated for internal administration, the authority of law by itself, the people having refused to follow. This theory of contractual monarchy, which undoubtedly was a reflex of the express republican theory of contract, found support in Vedic hymns and songs of royal election, in rituals of royal consecration which were based on elective principles, and in the

1 *Aitareya Brāhmaṇa* I. 14 देवादरा वा ययु लोकेषु समयतत .... तांस्ततोऽदरा जयन्तु.... देवा अमु वधराजतया वै नो जयति राजानं करवामहा इति तथेति ॥

2 See the discussion in the *Artha Śāstra*, I. 9 pp. 22-23; also that in the *Mā ā. Śāstra*, § 239.

3 See above, §§ 174-6.

Coronation oath which made the king swear that he should rule according to law. ||

|| These ceremonials were invariably observed even when succession to throne had become hereditary. || In theory, according to these sacred ceremonies, || the king, Theory of elective kingship as we shall presently see, was always an elected officer holding office on conditions which he accepted in his Coronation oath. || The contract theory of the politicians, as we shall see, was always believed in and accepted by both the ruler and the ruled.

|| Actual election at times did take place even in post-Vedic times. Megasthenes notes that after Svayambhū, Budha and Kratu, the succession was generally hereditary but that *'when a failure of heirs occurred in the royal house, the Indians elected their sovereign on the principle of merit'*. ||

The Jātakas have stories of election of kings and even the fables<sup>2</sup> of the country made animals elect their king. They indicate that the theory of elective kingship was a national theory widely current. || Let us now take the sacred hymns of royal election of the Vedas and the Vedic kingship.

1 Mc Crindle, *Megasthenes and Arrian*, p. 200.

<sup>2</sup> "Kno'ḍṭakau, r'vū' p'ḍḍu

3 See *Mahābhārata* (ed. Senart), vol. II, p. 70.

## CHAPTER XXIII

### Vedic-King and his Election

§202. <sup>in the S a m i t i.</sup> The king was elected by the people assembled <sup>King's election</sup> him to rulership unanimously. <sup>and his position</sup> The Samiti appoints him. He is asked to hold the state. *It is hoped that he would not fall from his office.* He is expected to crush the enemies.¶

Here is a complete Song of Election.\*

आ त्वाहाप्यन्तरभूध्रुवस्तिष्ठाविचाचलत् ।  
विशस्त्वा सर्वा वाञ्छन्तु मा त्वद्वापमधि भ्रशत् ॥ १  
हिवैधि माप च्योष्टाः पर्वत इवाविचाचलत् ।  
इन्द्रेहैव ध्रुवस्तिष्ठेद्द राष्ट्रमु धारय ॥ २  
इन्द्र पतमदीधरद्वध्र वं ध्रुवेण हविषा ।  
तस्मै सोमो अधि व्रयद्यं च ब्रह्मणस्पतिः ॥ ३  
ध्रुवा धौध्रुवा पृथिवो ध्रुवं विश्वमिदं जगत् ।  
ध्रुवास्तः पर्वता इमे ध्रुवो राजा विशामयम् ॥ १  
ध्रुवं ते राजा वरुणो ध्रुवं देवो बृहस्पतिः ।  
ध्रुवं त इन्द्रश्चाग्निश्च राष्ट्र धारयतां ध्रुवम् ॥ २  
ध्रुवोऽच्युतः प्र मृणोहि शत्रून्ध्रुवतोऽधरान् पादपस्य ।  
सर्वा दिशः संमनसः सधीचीध्रुवाय ते समितिः कल्पतामिह ॥ ३

\* Atharva-Veda, VI 87-88 This hymn occurs also in Rig Veda X 173 with slight modification

"Gladly you come among us ; remain firmly without faltering ; all the people want you ; may you not fall off the State.

"Here be you firm like the mountain and may you not come down. Be you firm here like Indra ; remain you here and hold the State.

"Indra has held it ( the State ) firm on account of the firm Havi offering ; for it Soma as well as the Brahmanaspati has said the same.

"Firm (as) the heaven, firm (as) the earth, firm (as) the universe, firm (as) the mountains, let this *rājā* of the people be firm.

"Let the State be held by you, be made firm by the *rājā* Varuṇa, the God Bṛihaspati, Indra and also Agni.

"Vanquish you firmly, without falling, the enemies, and those behaving like enemies crush you under your feet. All the quarters unanimously honour you, and for firmness the assembly here creates (appoints) you".

Here is a passage employed at the re-election of a *Rājā* who had been apparently driven out ;—

त्वां विशो वृणतां राज्याय त्वामिमाः प्रदिशः पञ्च देवीः ।  
वर्षेन राष्ट्रस्य क्रुदि श्रयस्व ततो न उग्रो वि भज्ना वसूनि ॥

"The people elect you to rulership, the wide<sup>1</sup> glorious quarters elect you. Be seated on this high point in the body of the state and from there vigorously distribute the natural

1 The word पञ्च may mean either "wide" or "five". Here the former meaning is more appropriate because the people assembled could be only confined to the four quarters and not the sky. Quarter comes in Election Hymns as a figurative use for the people assembled.

2 Or 'like Ugras ruler' ( न उग्रः ) See § 102 above.



wealth."<sup>1</sup> *Kakud* literally means the "hump" of the bull. The allusion is to the throne which is regarded as the highest place in the body-politic.<sup>2</sup> The previous verse in the Mantra shows that the reference is to *Ek ar ā t* or monarch.

§ 203. According to the last verse of a hymn in the *Rig-Veda* corresponding to the song of election quoted above,<sup>3</sup> he becomes the sole taker of taxes from the people; he becomes the king of the people. The 'sole taker' signifies that the regular tax, as a royal due, had already developed. No one else but the king alone was entitled to it. The king is asked to ascend a raised seat which is significantly described as the highest point of the body of state.<sup>4</sup> It shows that the idea of state as organism is realised as early as the Vedic kingship. §

§ 204. ¶ The new king after ascending the throne received from the assembled people and the 'king-makers' who according to later authorities<sup>5</sup> were high functionaries or ministers, a symbolic armlet called *Mani*.<sup>6</sup> It was made of *Palāśa* wood. These high functionaries were the *Treasurer*, the *Commander of the Army*, the *Grāmaṇi* or the leader of the township, and some others. They are called 'kings' and 'king-makers' by the newly elected king. ¶ The 'king-makers' thus appear to be communal or popular officers of state who were regarded as

<sup>1</sup> *Atharvaveda*, III. 4. 2

<sup>2</sup> भुव भुवेषां हविषाभि सोमं मृशामसि ।

अपो त हन्तुः केयलीवियो बलिद्वत्स्वस्त ॥ R. N. 173 G

<sup>3</sup> *Brāhmanas* and *Āyākva* *Tajus*.

<sup>4</sup> Cf. *Mahā Goraṇḍa Suttaṇṭa*, 32, *Digha N II 2*, where the six great bolts of the state are called the *King-makers*, *Ṛṣi* *Ṛṣi*

rulers, amongst whom the king was the chief ruler. They are called latterly *Ratnas* or those in whom the *Ratna* or *Maṇi* is vested. For it was they who gave the king the symbolical jewel of royal authority. The king originally took the jewel of authority from all the folk present, including artizans and chariot-makers. This was the only symbolical ceremony which accompanied the Vedic election.

The king taking *Parṇa* or *Maṇi* says :—

ये धीवानो रथकाराः कर्मार ये मनीषिणः ।

उपस्तीन् पर्णं मह्यं त्वं सर्वान् कृण्वन्मित्रो जनान् ॥ ६

ये राजानो राजकृतः सूता प्रामण्यश्च ये ।

उपस्तीन् पर्णं मह्यं त्वं सर्वान् कृण्वन्मित्रो जनान् ॥ ७

"The skilful builders of chariots and the ingenious workers of metal, the folk about me all, do thou, O Parṇa, make my aids. The kings and king-makers, the charioteers and leaders of hosts, the folk about me do thou, O Parṇa, make my aids."

The king thus accepted his royal authority from the whole folk including equally the king-makers and the artisans.

The king was elected for his whole life. "Rule here a mighty benevolent (king) up to tenth decade of thy life."

Election for  
life time.

The throne was covered with the skin of a lion, tiger or leopard. This was done, as we shall see, even when the throne was made of precious materials. A particular symbolism was attached to the skin-cover. It was the emblem of prowess.

1 *Atharvaveda*, III. 5 3-7 Translation adopted from Bloomfield *S.B.E.*, xlii, 114.

2 *Atharva-Veda*, III. 4. 7. दण्डीमुपा धुमना यजेत्

"Thyself a tiger, do thou upon this tiger-skin  
"stride through the great regions. All the clans shall  
"wish for thee." When seated on the throne he was  
sprinkled with water."

§205. At times he was degraded and  
Deposition and re-election banished. (After a period of exile an  
ex-king was sometimes re-elected;)

"The eagle shall bring hither from a distance him that  
"is fit to be called, wandering exiled in a strange land. The  
"Aśvins shall prepare for thee a path, easy to travel! Do  
"ye, his kinsfolk, gather close about him.

"Thy opponents shall call thee. Thy friends have chosen  
thee."

He is said to have come to agreement  
with his electors.

"Come thou to the Viśas (the people), for thou  
hast "agreed concordant with the electors."

1. Ibid. IV. 8. 4. व्याघ्रो अ॒ग्निं वै॒द्याग्ने॒ वि॒क्रम॒स्व दि॒पो म॒होः । वि॒यस्त्वा॒ सर्वा  
वा॒न्ध॒न्तु ॥

2. Ibid. IV. 8. 56..... ता॒सां त्वा॒ सर्वा॑सा॒मपा॒मोभि॑ वि॒ज्वा॒मि व॒र्चसा॑ ॥५॥ अ॒भि त्वा॒  
व॒र्चसा॑सि॒न्ध॒वापो॑ दि॒व्याः प॒यस्व॒तीः । ॥६॥ That the ceremony relates to monarchical Rājā

(Ekarājā) is clear from the Śrauta Sūtras of the Atharva Veda

3. Ibid. III. 3. 5. श्ये॒नो ह॒व्यं न॒य॒त्वा पर॑स्मा॒दन्य॒ज्ञे॒ अ॒प॒स्व॒ च॒रन्त॑म् । अ॒ग्नि॒वा  
प॒न्पो कृ॒तां ह॒गं त॒ इमं॑ स॒जाता॑ अ॒भिस॒विय॑ष्व॒न् ॥ Was the eagle a mark of royalty?

4. Ibid. III. 4. 6. इ॒न्द्रे॒न्द्र म॒नु॒ष्याः॑ प॒रे॒हि स॑ ह॒जा॒स्या व॒र्योः स॒वि॒त॒नः । स त्वा॒य-  
म॒हूत॑ स्वे॒ स॒ध॒स्ये स॒दे॒वान् य॒ज्ञात् स॒ उ क॒ल्प॒याद् वि॒यः ॥

§206. \ The king was expected to secure material  
His duty prosperity to the people. \

“Fix thy mind upon the bestowal of wealth. Then  
“do thou, mighty, distribute wealth amongst us.”

In this connexion it would be interesting to quote  
here a poem from the Atharva-Veda where the prosperity of  
the people is described. The song, evidently contemporary,  
praises the successful rule of King Parikshit of Kuru  
land :<sup>2</sup>

“Listen ye to the high praise of the king who rules  
“over all peoples. What may I bring to thee, curds, stirred  
“drink, or liquor ? (Thus) the wife asks her husband in the  
“kingdom of King Parikshit.”

In other words, in the Kuru land the wife never thinks  
of offering such a poor drink as water to the thirsty husband.  
And the barley beverage when brought ‘over-ran

1 Ibid. III 4.4 अद्या मनो वसुदेवाय कृण्वन्ततो न दधो वि भजा वसुनि ॥ S. B. E.

V. 1. XLII. p. 113

2 Ibid. XX 127 (3). 7-10

राज्ञो विश्वजनीनस्य यो देवोमर्त्या अति ।  
वैश्वानरस्य सुष्टु तिमो शृणोता परिक्षितः ॥७

कतरत् त आ हराणि दधिमन्थं परिधुत्तम् ।  
जाया पतिं वि पृच्छति राष्ट्रे राज्ञः परिक्षितः ॥८  
अमीव स्वयं प्र जिहीते यवः पक्वः परो बिलम् ।  
जगः स भद्रमेधते राष्ट्रे राज्ञः परिक्षितः ॥९०

See S. B. E., XLII. pp. 197 198.

## VEDIC KING AND HIS ELECTION

the brim'. This shows "the people thrive merrily in the kingdom of King Parikshit".

§207. The election in the Vedic age appears fairly simple and business-like. But it has a latent philosophy behind it. The king is elected by the people; he is expected to fulfil certain duties; and is invested with certain privileges. He accepts his office from the people and the 'king-makers'. He was in agreement with his electors. He could be removed from his office and could be brought back from exile. The germs of the political philosophy of kingship are all to be found in these Vedic mantras //

The fact, if not the theory, was clear that the office of the king was a creation of the People and was held conditionally. Above him there was always the National Assembly, the Samiti which was, as we have seen above, the real sovereign. //

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1 Cf. Macdonell, *History of Sanskrit Literature*, p 153. The king (rājā) was often hereditary. His power was by no means absolute, being limited by the will of the people expressed in the tribal assembly (Samiti).

## CHAPTER XXIV

### Coronation Ceremony of Brahmana Period and

#### Its Constitutional Significance

§208. In the age of Brāhmaṇa literature, coronation becomes elaborate, ritualistic and very technical. Special royal ceremonies were invented. But they all retain the same constitutional characteristics as we find in the true Vedic period. In fact they are developments of the same underlying ideas. }

Sacred formulæ and rites for royal installation are formed and prescribed in this period. And they become prescribed once for all. Since that time every Fixed Hindu sovereign crowned in India has observed them, for according to the orthodox view of both law and ritual, no one could attain kingship without them. The same ceremonies, in essentials, came down and are prescribed by lawyers of the 17th century who wrote for Hindu kings in Muhammadan times. }

§209. In the Śrutis there are three ceremonies for consecrating heads of society. There is the first and foremost, the *Rājāsūya* or the Inauguration of a king, there is, secondly, the *Vājapeya* used for consecrating a king or a high functionary as the royal priest, and thirdly, there is the *Sarva-medha*, 'a sacrifice for universal rule.' The *Vājapeya* probably did not partake of political nature in its origin, it being primarily designed to celebrate something like an Olympic victory. It was, later on, adopted for royal and

1 See Mitra Mitra, *Vṛttsamudaya Rājāsūya*, pp 85-113.

2 Cf. *Taittiriya Br* 1. 2. 2. 2.

See contra Eggeling, *SBH XL*, p. 24 (Introduction).

religious consecrations. The *Sarvamedha*<sup>1</sup> is an exceptional ceremony performed by emperors who are already consecrated to rulership. The ceremony proves the existence of the territorial ideal of a one-state India.<sup>2</sup> The normal ceremony of Coronation, however, is the *Rājasūya*.<sup>3</sup>

राज एव राजसूयम् । राजा चै राजसूयेनैष्टा भवति...

|| "To the King doubtless belongs the *Rājasūya*, for by offering the *Rājasūya* he becomes king."<sup>4</sup> ||

We shall here mainly discuss the rituals of the latter and also of the *Vājapeya*. In fact they all have very many details in common, and they supplement each other. The *Vājapeya* came to be regarded as a preliminary to the *Rājasūya*.

§210. The *Rājasūya* is comprised of three distinct parts: the first is a series of preliminary sacrifices the second is the *Abhishechaniya*, 'the sprinkling' or 'the anointing', the third are a number of post-anointing ceremonies. Out of the three, the *Abhishechaniya* is the most important; and, perhaps, in practice the rites and formulæ of it alone were considered indispensable at normal coronations. ||

One of the first things which strike the student of the ceremony is the pronoun "he" by which the king-elect is studiously designated. || It is only after the sprinkling stage that he is called 'king'; that is, only when the ceremony is complete, he becomes invested with the royal office and powers; before that he is an ordinary citizen. ||

<sup>1</sup> *Sa. Śa. Smṛiti Br.* XIII 71

<sup>2</sup> *Of. Ataraya Br.* VIII 15; *Pāṇini*, V 1 41 12 on *Sūtri : bhavanti*

<sup>3</sup> *Satapatha Brāhmaṇa*, V. 1 1 12

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1 See Mitra-Mitra, *Vedic Mythology*, Rajasūya, pp. 85-115.

2 Cf. *Taittiriya Br.* 1. 3. 2.

See contra Eggeling, *SDS* XLII, p. 24 (Introduction).



## CORONATION CEREMONY

"Come wife, ascend we the sky"—  
 "ascend we!" says the wife.....She  
 "the wife in sooth is one half of  
 "his own self; hence as long as he does  
 "not obtain her, so long he is not  
 "regenerated for so long he is  
 "incomplete"

In the Rāja-sūya ritual of the Yajur-Veda no direction is given as to the future Queen's ascending the throne. But the Epics prove the practice of joint coronation.<sup>2</sup>

As the formulas are already prescribed in the preliminary Vājapeya, they have not been repeated in the Rāja-sūya. The same principle of completing the spiritual self of the king-elect is extended by other schools of the Yajur-Veda who make the king-elect do worship also to his other wives of lower castes, Vāvātā and Parivṛkti.<sup>3</sup>

¶ In the Aśvamedha ceremony even the wife of the lower Śūdra caste ( *Pālāgalā* ) takes part.<sup>4</sup> //

(5) Sāta (the court-minstrel and chronicler).

Probably in early times he combined in him some important office other than that of the chronicler. In the Mauryan

<sup>1</sup> Satapatha Br., V. 2. 1. 10; S.B.E. XII p. 32

<sup>2</sup> Rāmāyana, Tuldha K., 128, 59, M.Bh. Sānti, (Knn) 33, 14 उपनय महात्मानं कृत्वा च ।

<sup>3</sup> Cf. Satapatha, XIII. 5.2 5-8.

<sup>4</sup> सतिवृत्ता राज्ञो मध्यमपत्न्याः Bhatṭa Bhaskara, Taittirīya S., (Mysore) III, p. 146.

Satapatha XIII. 5.2 8; Rāmāyana, Bala, 14. 35.

§ 211. } Among the preliminary offerings there are the  
 eleven ratna-havis (the 'jewel'-offerings) which 'he' has  
to make to the eleven Ratnins or the 'Jewel  
holders' at their respective houses. The  
 recipients of the Ratna-havis are :<sup>1</sup>

- (1) Senāni (the commander of the army).
- (2) Purohita. (the court chaplain); 'Brahmin'  
 in the Taittiriya ritual.
- (3) The king-elect himself as representing the  
Kshatra or 'rule'; in the Taittiriya,  
Rājanya in the place of the king-  
 elect.
- (4) Mahishi (the queen). } The Queen had  
 an official character in as much as she  
 appeared with the king on the throne on  
 certain official 'occasions. It seems, how-  
 ever, the underlying principle here is the  
 sacred theory that without the wife  
 no sacrament could be performed, the  
 sacrificer by himself being only one-half of  
 his whole spiritual body, the other half  
 being the wife. On this principle in the  
Vājapeya, she ascends the throne  
 together with the husband. }

<sup>1</sup> *Śatapatha Brāhmaṇa* V 3. 1. Cf. also *Taittiriya Br* I 7. 3, (Poona Ed I pp. 308-310) and *Taittiriya Saṁhitā* I. 8. 0 (Mysore Ed I, pp. 146-47)

The text says that the ratnas are eleven (एवमेव रत्नानि) But the Aśva is offered at twelve places. Evidently the offering at the own house is not counted (the school of *Kṛishna Yajur-Veda* does not prescribe an offering at the king-elect's house) or the last two might have been treated as entitled to one offering jointly

## CORONATION CEREMONY

“Come wife, ascend we the sky”—  
 “ascend we!” says the wife .....She  
 “the wife in sooth is one half of  
 “his own self; hence as long as he does  
 “not obtain her, so long he is not  
 “regenerated for so long he is  
 “incomplete”<sup>1</sup>

In the Rāja-sūya ritual of the Yajur-Veda no direction is given as to the future Queen’s ascending the throne. But the Epics prove the practice of joint coronation.<sup>2</sup>

As the formulas are already prescribed in the preliminary Vājapeya, they have not been repeated in the Rāja-sūya. The same principle of completing the spiritual self of the king-elect is extended by other schools of the Yajur-Veda who make the king-elect do worship also to his other wives of lower castes, Vāvātā and Parivṛiktī.<sup>3</sup>

|| In the Aśvamedha ceremony even the wife of the lower Śūdra caste ( Pālāgalā ) takes part.<sup>4</sup> ||

(5) Sūta (the court-minstrel and chronicler). Probably in early times he combined in him some important office other than that of the chronicler. In the Mauryan

<sup>1</sup> Satapatha Br., V. 2. 1. 10; S.B.E. XLI p. 32

<sup>2</sup> Rāmāyaṇa, Taidha K., 129, 59, M.Bh. Sūta, (Kann.) 39, 14 उपनेत्य महात्मानं कृष्यां च ।

<sup>3</sup> Cf. Śatapatha, XIII. 5. 2. 3-8.

परिवृक्ता राज्ञो मय्यमपत्य्याः Bhāṣya 1 Paṭakara, Taittiriya S. (Mysore) III. p. 148.

<sup>4</sup> Satapatha XIII. 5. 2. 8; Rāmāyaṇa, Bṛā, II. 33.

§ 211. Among the preliminary offerings there are the eleven *ratna-havis* (the 'jewel'-offerings) which 'he' has to make to the eleven *Ratnins* or the 'Jewel-holders' at their respective houses. The recipients of the *Ratna-havis* are :<sup>1</sup>

- (1) *Senānī* (the commander of the army).
- (2) *Purohita*. (the court chaplain); 'Brahmin' in the *Taittiriya* ritual.
- (3) The king-elect himself as representing the *Kshatra* or 'rule'; in the *Taittiriya*, '*Rājanya*' in the place of the king-elect.
- (4) *Mahishi* (the queen). The Queen had an official character in as much as she appeared with the king on the throne on certain official 'occasions'. It seems, however, the underlying principle here is the sacred theory that without the wife no sacrament could be performed, the sacrificer by himself being only one-half of his whole spiritual body, the other half being the wife. On this principle in the *Vājapeya*, she ascends the throne together with the husband.

<sup>1</sup> *Śatapatha Brāhmaṇa* V 3. 1. Cf. also *Taittiriya Br* 1. 7. 3, (Poona Ed 1 pp 308-310) and *Taittiriya Saṃhitā* 1. 8. 9 (Mysore Ed. I, pp 146-49)

The text says that the *ratnins* are eleven (एवादश रत्नानि) But the *havis* is offered at twelve places. Evidently the offering at his own house is not counted (the school of *Kṛishna Tājjurēda* does not prescribe an offering at the king-elect's house) or the last two might have been treated as entitled to one offering jointly

## CORONATION CEREMONY

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<sup>1</sup> *Śatapatha Br.*, V. 2. 1 10; S.B.E. XLi p. 32.

<sup>2</sup> *Rāmāyaṇa*, *Yuddha K.*, 128, 59, *M Bh Śānti*, (Kann) 39, 14 उपदेय्य महात्मानं कृष्यां च ।

<sup>3</sup> Cf. *Śatapatha*, XIII, 5 2 5-8.

<sup>4</sup> *सहितिका राक्षो मध्यमयत्न्याः* Bhattacharya, *Taittiriya S.*, (Mysore) III, p. 146.

<sup>5</sup> *Śatapatha* XIII, 5 2 8, *Rāmāyaṇa*, *Bīla*, 11 35.

Civil List of the Artha-Śāstra (V. 3-91, p. 245), he is placed amongst minor officers (Paurāṇika etc.) who got 1000 (silver paṇas) a year. It seems that every provincial capital had its sūta, as Br. Up., IV. 4. 37, indicates. He is the later histriographer whom Yuwan Chwang (Hsien Tsang) found in the empire of Harsha Vardhana, whose duty it was to register 'good and evil events, with calamities and 'fortunate occurrences' in every province. That the record of each year was kept is evidenced by inscriptions of Khāravela and others.

- (6) (Gṛāmaṇī (the head of the Township or the village corporation). { "Vaiśya-Gṛāmaṇī" in the Maitrāyaṇī edition of the Yajurveda.
- (7) (Kṣhātrī (the Chamberlain).
- (8) (Sangrahitṛī (the master of the treasury). In later times he is called Sannidhātṛī (e.g. in the Artha-Śāstra).
- (9) (Bhāgaḍugha (the collector-of-revenue). In later times he is called Samāhartrī (e.g. in the Artha-Śāstra). The expression literally means 'milcher of the share' (of the king one-sixth, etc.). This shows that the amount of taxation had already become fixed.

1 See § 212, n.

2 Bhaṭṭa Bhāskara (Myore ed. *Tait. Saṁhitā* iii p. 148, points out the primary meaning of Saṁgrahitṛī the 'holder of the reins' lit. 'the driver' (संघहीतुः रश्मिमाहिषा) and then gives the secondary meaning (quoting opinion of others) रज्जुभिर्नियन्ता कुमारपक्ष इत्यन्ये 'he who leads the (administration) by holding the reins (of government), i.e., Prime-minister'—This has some bearing on Aśoka's rājaka, if it is connected with rājaka.

## CORONATION CEREMONY

(10) | A k s h ā v ā p a—Commentators have explained it as the controller of gambling. \ Gambling, being under state-control, brought in revenue; but the prominence of the department is rather strange and one is inclined to doubt the meaning of the commentators. Among the officers the one who comes after Sannidhātṛi and Samāharṭṛi in the Artha-Śāstra, corresponding to Nos. 8 and 9 of our list, is the A k s h a p ā ṭ a l a or [the Department of] the A c c o u n t a n t G e n e r a l. Thus the corresponding A k s h ā v ā p a seems to be the officer in charge of State Accounts. The Gambling Officer will be quite out of place here. It seems that s q u a r e s or A k s h a were made on some board (P ā ṭ a l a or A d h i d e v a n a) by the help of which accounts were in those days calculated. The A k s h a ś ā l ā ( Artha-Śāstra, p. 85 ) should also be considered in this connexion. The A k s h a ś ā l ā department took charge of gold and silver and the mint. A k s h a in these technical offices has no connexion whatsoever with gambling.

(11) | G o v i k a r t r i (master of forests, literally, destroyer of beasts). \ He was evidently the officer described by Megasthenes amongst the 'Great officers of State' having

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<sup>1</sup> Mc Crindle, *Megasthenes*, p. 86.

'charge also of the huntsmen' who cleared the land of wild beasts and fowls which devoured the seeds.<sup>1</sup>

- (12) { P ā l ā g ā l a ( the Courier) / His uniform was a red turban and leathern quivers.<sup>2</sup> He was of the Śūdra caste.<sup>3</sup> In his place the Maitrāyaṇī Samhitā<sup>4</sup> of the Yajurveda gives the T a k s h a and R a t h a k ā r a, carpenter and chariot-builder.

§212. [The Ratnins are a development of the Vedic bestowers of the (p ā l ā ś a) m a ṇ ī. The latter The Ratnins were the 'king-makers' ( राजकृतः = the ministers ), the Sūta, the head of the village community, the builders of chariots and the skilful in metals, 'surrounded by the folk.'<sup>5</sup>

Now the Ratnins tend to be high functionaries of the state. In the selection of the functionaries the principle of class and caste representation appears to have operated. The P u r o h i t a is studiously referred to as 'B r a h m i n' only, in the majority of Yajus Schools. He symbolises the Brahmin. The R ā j a n y a or the king-elect himself symbolises the Rājanya or Kshatriya class. The G r ā m a ṇ ī, called the "V a i ś y a - g r ā m a ṇ ī" in the Maitrāyaṇī,<sup>5</sup> a grāmaṇī, or Township-President of the Vaiśya caste represented the Vaiśya class or the remnant of the original 'people', now the 'commoners'. The T a k s h a and R a t h a k ā r a correspond to the Vēda's 'skilful workers in metals and builders of chariots'. Their place is supplied by the Pālāgala in the Śukla ritual; the class is

1. Mc Crindle, *Herodotus*, p. 54

2. The last two not in the Taittiriya ritual.

3. Cf. XIII. 2. 8.

4. M. A. II. 6, 1.

5. भारतः राजकृतो वैश्यश्च ग्रामण्यो गृहः । Maitrāyaṇī Samhitā II. 6, 5, 1v. 3. 8.



replaced by caste. The Senāni, Purohita, Kshattā, Sangrahitā. Bhāgadugha, Akshāvāpa and Gokartā are the High ministers, the old Rajakrits, the king-makers. The High ministers were still called 'kingmakers' in the Rāmāyana (समेत्य राजकर्तारो भरतं वाक्यमब्रुवन्, A. 70. 1., Com. राजकर्तारः मन्त्रिणः).

When society grew, it was not possible for the whole Folk to assemble, and adoption of the representative principle was natural. The most noticeable feature in the change is the express recognition of the Śūdra as part of Society. From the constitutional point of view it is a great change. The conquered helot is now worshipped by the man who is going to become king. He is as much an integral part of the polity as any one else. This recognition, as we shall see, becomes more and more emphatic as time goes on.

§213. The offering to the 'jewel-holders' is explained by the set phrase in each case, 'for it is for him that he is thereby consecrated and him he makes his faithful follower.' He treats with Havi the headman of the village corporation because he assuredly is one of his jewels and it is for him that he is thereby consecrated, etc.¹

The reason for the respect due to the High Functionaries or Ministers should be noted. The Ratnin Ministers existed before the king came to the throne. They had existed independently of him. They were in origin part of the Samiti, 'the Folk around me'—the Vedic 'kings' and 'king-makers'. In later history, ministers still retain these designations of popular times;

¹ प्रायस्यो गृहान् परेत्य मारुतम् सहकपालं पुरोग्राहं निर्वपति विप्रो वै मूलो दैव्यो यं ग्रामणीस्तस्मान् मारुतो भवत्येतद्वाऽऽप्त्ययम् रत्नं यद् ग्रामणीस्तस्मात् एवेतेन सृपे तम् स्वमुपक्रमिष्यं कुरते - Śatapatha, V. 316

they still retain the privileges of the rituatistic period—they are worshipped before every coronation. Likewise they retain pronounced traces of independence throughout their history (Chs. xxx, xxxi). The latter we can understand only with reference to this history of origin.

§ 214. | The whole procedure symbolises the obtainment of the approval of the differentiated-organs of government in his consecration to kingship. The seeking of approval does not rest here. | Symbolic 'approval' (A n u m a t i) — of — the E a r t h (M o t h e r l a n d) itself is requested and obtained. This is done before the estates of the Realm are approached. |

"They then return (to the sacrificial ground) without "looking backward. He now proceeds with the cake on eight "potsherds for Anumati. For A n u m a t i is this (Earth); and "whosoever knows to do that work which he intends to do, "for him indeed she approves (anu-man) thereof; hence it "is her he thereby pleases, thinking 'May I be consecrated, "a p p r o v e d by that (genius of) approval!"

§ 215. | The idea underlying is altogether human; there is no divinity about the person or the office of the sovereign |

"After the jewels he offers a pap to Soma and Rudra." That the great gods should come after the secular officers was unpalatable to theologians, and they therefore give a fanciful explanation by introducing a myth that as offerings had been rendered to

The idea underlying

1 Śatapatha Brāhmaṇa, V. 2 3.1. अयानुमत्वाऽष्टाकपालेन पुरोडाशेन प्रवर्तीयं वा अनुमतिः

स यस्तान् कर्म यत्नेति कर्तुं स यच्चिकीर्षतीयं वा इहस्मि सन्त्यते तदिदमासेवेतत् प्रोवात्यनयाऽनुमत्वाऽनुमतः संप्राप्स्यति ।

some unworthy of sacrifice, it was necessary to sacrifice to gods 'for enlightenment' (expiation).<sup>1</sup>

§ 216. The *Abhishechanityam* or the Sprinkling Ceremony starts with sacrifices to a set of deities for instilling in the king-elect certain virtues necessary for his office. Savitā is prayed for energy, the family fire for family virtues, Soma for capacity to protect forests, Brihaspati for eloquence, Indra for ruling capacity, Rudra for power to protect cattle-wealth, Mitra for truth, and lastly Varuṇa for protection of law.]

§ 217. Says the Śatapathia Brāhmaṇa: "Thereby Varuṇa the protector of the law makes him the protector of the law, and that truly is a supreme state when one is protector of the law, for whosoever attains to the

Protector  
of Law

"supreme state, to him, they come in causes of law." Here is a new theory of the monarchical days when the Brāhmaṇas were written. The

sacred formula only contemplates the protection of the law as a necessary duty of the king, but the commentator takes it in the sense that one of the chief features of a 'full-fledged' state must be that the law should be administered by the king or his officers ('for him they come in causes of law'). The old theory had been that the law of the community was administered by the community. The new theory was operating in actual life in the time of the Jātakas and it was fully extended in the imperial days of the Mauryas, when salaried judges not only dispensed royal justice but also administered royal laws.

<sup>1</sup> Śatapathia Brāhmaṇa, V. 3. 2

<sup>2</sup> Ibid V. 3. 3. 9 अथ वरुणाय धर्मवत्तये । वारुणं यवमयं वह निर्वपति तदनेन वरुण एव धर्मवत्तिवर्मस्य पतिं करोति परमता वै सा यो धर्मस्य पतिसस्यो हि परमतां गच्छति तथै हि धर्मोऽप्यवन्ति तस्माद्ब्रह्मण्यैव धर्मवत्तये ॥

§218. Waters are then collected from the sea and other reservoirs of the land, proclaiming in sacred formulas the Collection of name of the person for whose anointing they Waters were gathered. The waters are taken in each case with a poetic formula; "Self-ruling waters, ye are bestowers of kingship, bestow ye kingship on. N. N."<sup>1</sup>

In the description and details of the waters there is to be found a poetic finish to the symbolical constitutionalism. Waters are brought from the Sarasvatī of historic memories, from the mighty rivers of the land, from the great Ocean. The sum total of these waters is yet to be contributed to by a humble pool of the country. The latter is invoked with the lofty address: "Pleasing ye are, Bestowers of kingship, bestow ye kingship on. N. N." The comment on the sacred address of the Brāhmaṇa is majestic and is reserved only for this insignificant reservoir; "He thereby makes the people steady (the water of the pool being steady) and faithful to him."<sup>2</sup> A common pool of the country over which he is going to rule is made a sacred source of his sovereign powers.

§ 219. The gods have been invoked to endow the potential king with ruling virtues 'for national rule', *jānārājyāya*,<sup>3</sup> 'for the ruling of the folk', yet the rivers of the land, the waters of India are prayed to as 'bestowers of state' to confer the actual status of kingship. Gods might give him virtues for 'national rule', but they could not give the kingship of the land; it was the right of the waters in the land to do it. And they too only when combined from the highest to the lowest, could do it; hence the flattering

<sup>1</sup> स्वराजस्य राष्ट्रं दा राष्ट्रं मनुष्यं दत्त, *Ibid.*, V. 3. 3. <sup>2</sup> वृषतेनोऽस्ति राष्ट्रं दा राष्ट्रं मनुष्यं देहीति, *Ibid.* V. 3. 4. 0.

<sup>3</sup> मान्दास्य राष्ट्रं दा राष्ट्रं मनुष्यं चेति क्षाभिरभिपिच्यति... स्वावरादुभयमर्थौ करोति...

address to a common country pool. An important conception is crystallised in this sacerdotal procedure. It is on the whole a crude symbolism but a symbolism enshrining a great idea for all ages.

§220 The *Abhishechana* is twofold, the first part is the sprinkling of waters by what may be described as different estates of the realm, *Abhishechana* and the second is the theological anointing on the head by the priest just before the king-elect ascends the throne (*āsandi*). A tiger skin is spread in front of the *Mitā-Varuna's* hearth and the king-elect steps upon it. Four men, one after another sprinkle him—a *Brahmin*, a kinsman of the king-elect, a *Rājanya*, and a *Vaisya* which literally means 'one of the people'. The *Sūdra* is absent and the kinsman seems to be a tautology. The latter is not found in the corresponding *Taittiriya* ritual (*Taitt Br*, I 78) where the Priest is *Brahmin*, *Rājanya*, *Vaisya*, and lastly, *Janya*, do the besprinkling. The last one, *Janya*, stands for the *Sūdra* in the sense of a man of the 'hostile' tribe as in the *Āitareya Brāhmaṇa*, VIII 26, and as originally he was. In later times the *Sūdra* always appears.

The king-elect then puts on a silk under wear, a mantle and a turban or diadem. Our *Satapatha Brahmana* does not approve of the dressing, and there is that artistic touch in the reason given which was common to the Hindus and the Greeks "For the limbs being his natural vestments they deprive him of his native bodily form".

1 *Sat Br*, I 35 11 11

2 Ushatā is taken by some to be a turban and by others a diadem. The *Rāmaya* has *śatādhara* (Kāśī), *Yuddha* K. 1864

3 *Satapatha Br*, I 35 11 11

§ 221 Then follows the Investiture, and Announcement. The priest gives him a strong bow with three arrows with the formula '*Protect ye him in front*,' etc. After the investiture and Announcement while the king elect is standing on the ground over the tiger-skin an Announcement is made—the Âvid formulæ are called out :

"Informed are ye Men! Informed is the 'house lord Agni' Informed is the far-famed Indra! "Informed are Mitra and Varuna, the upholders of 'the vow' Informed is Pūshan (the lord of wealth)! "Informed are Heaven and Earth, all beneficial! "Informed is Aditi, of great shelter!"

The author of the Śatapatha Brāhmaṇa points out that the announcements are symbolical<sup>2</sup>. Agni symbolising the Brāhmanas, Indra, the nobility, Pūshan the world of cattle and so on. In any case, the king elect is expressly and firstly announced to men, whatever be the real import of the other *āvids*. The *āvids* are made to obtain permission or approval for the consecration, says the Śatapatha 'तैरनुमतं स्यते,' 'and approved by them he is consecrated'.

1 *Vijñānaśloka* 91 a x 9 —

आविर्मप्यां आविरो अमिष्टं हवितरायितु इन्द्रो हवितरायितु आविरो मित्रावरुणौ धतृतापाना यित पूषा विश्ववेदा आविरो आवाष्टमिरो विश्वराम्भुवावावितादितिर्यमां ॥

2 *Sat Br.* 3. 2. 31. 37

## CHAPTER XXV

### Coronation Ceremony of the Brahmana Period and its Constitutional Significance (continued)

§ 222. After the *Āvit*-proclamation follows the *Indra*-ceremony of *Sacred Abhisheka*. (*Śatapatha Br.*, V. 3. 5. 2.) The king-elect is unanimously regarded to have taken a *vow* (*d h r i t a - v r a t a*) before he is seated on the throne.<sup>1</sup>

Coronation  
oath. The *vow*, *promise*, or *oath* is again alluded to in the *Taittirīya Br.*, (I. 7. 10, 1-6,) *satya-sava* "of true sacrifice", *satya-dharmā* "of true (or faithful) conduct", *satyānrite Tarunāh*, "*Varuṇa*, is authority in truth (or oath) and falsehood (or faithlessness)", *satya-rājā* "true king". To what engagement do these repeated expressions allude? The *vow* or engagement is not cited here. But, it is given in the very *Indra* ceremony in the *Aitareya Brāhmana*. Evidently that was universally adopted, as the testimony of later books and practice proves. It is therefore simply alluded to and not repeated in other *Brāhmanas*. The *vow* which the king-elect took, or, to use modern phraseology, the *Coronation Oath*, as given in the *Aitareya Brāhmaṇa* is in these terms :

<sup>1</sup> निषदाद घृतवतः Vājasaneyi Śūkhutā X, 27, Taittirīya Śūkhutā, I 8 16 ;  
Taittirīya Br., I. 7. 10 2; Aitareya Brāhmana VIII 18  
2 Aitareya Brāhmana, VIII 15. [एतेनैन्द्रेण महाभिवेकेण क्षत्रियं शापयित्वा अभिषिञ्चेत्  
स मृपात् सह धनया ] याञ्च राश्रीमन्नायेह याञ्च प्रेतास्त्रि तदुभयमन्तरेणैष्टापूर्तं मे लोकं  
सहस्रायुः प्रजं वृञ्जीया यदि ते मृक्षयमिति ।

["Let the Kshatriya be sworn through this Great "Coronation of the Indra ritual. He is to repeat "with faith:] 'Between the night I am "born and the night I die, whatever "good I might have done, my heaven, my "life and my progeny may I be "deprived of, if I oppress [injure] you'"]

The business-like and contractual nature of the oath is noteworthy. There is no reference to any divine agency in the oath. It is purely human. It is humanly solemn. According to the Aitareya Brāhmaṇa the oath was common to all constitutions. It was administered to the Ruler (Kshatriya) whatever the form of polity, whether he was desirous of being consecrated to Sāmrajya, Bhaujya, Svārājya, Vairājya, Parameshthya, Rājya, Māhārājya, Adhipatya, or Śarva-bhauṃa (Monarchy).<sup>1</sup> As we shall deal with the history and effect of the Coronation-Oath presently we may pass on to the remaining ceremonies and their meaning.

§223. After the Announcement he is asked to ascend the wooden throne<sup>2</sup> (Āsandi) spread upon with furs, generally with tiger-skin. The formulae for the occasion are four, and the four estates are asked thereby to protect the king-elect "as the precious treasure".

1. त्वयि ह्यष्टौ देवैर्वित्ताग्रियमयं सयं जिवीज्येतायं सत्राहो कश्चिन्दितायं सर्वेषां राज्ञां श्रेष्ठमविद्यां परमतां गच्छेत् साध्याज्यं भोज्यं स्वाराज्यं वैराज्यं पारमेष्ठ्यं राज्यं साहाराज्यमाधिपत्यमयं समन्तरयांवी स्वात्मार्यभौमः सायायुधं ध्यान्तादपरार्धात्पृथिव्यं ममुद्रपयन्ताया एक-रादिति तमेनेन्द्रो वा महाभिरेकेण सग्रियं वापयिरासमिषिचेत् ॥ *Aitareya*, VIII, 15

<sup>2</sup> The wooden throne was adored to for coronation even when thrones of ivory and gold were in general use. See *Māṇḍ Bhārata*, (Kumbakonam) *Sikh's Purāṇa*, XXXIX,





॥ इ॒मं दे॒वा अ॒स॒प॒त्न ॐ सु॒व॒द्भ॒म् म॒ह॒ते क्ष॒ताय॑  
 म॒ह॒ते ज्यै॑ष्ठ॒ाय म॒ह॒ते जा॒न॒रा॒ज्याये॑न्द्र॒स्येन्द्रि॑याय ॥  
 इ॒म॒म॒मु॒ष्य पु॒त्र॒म॒मु॒ष्यै पु॒त्र॒म॒स्यै वि॒श ए॒ष वो॑  
 उ॒मी रा॒जा सो॒मोऽ॒स्माकं॑ ब्रा॒ह्म॒णा॒ना॒ ॐ रा॒जा ॥

“With Soma’s glory I sprinkle thee! with Agni’s glow! with Surya’s splendour! with Indra’s energy! be thou the sovereign protector of the ruling powers! •

“Make him, O gods, to be univalled for great ruler-ship, for great superiority, for great national rule, “for Indra’s energy make him, the son of (the man) “X. X. and (of the woman) Y. Y, and of the people “Z. Z. This man, O ye People! is your “king, he is Soma, king of us Brāhmanas!”

‘People’ (विश) according to Āpastamba, Baudhāyana and Kātyāyana (Śrauta Sūtras quoted by Sāyana) means ‘Nation’, e.g. the ‘Bharatas’, the ‘Kurus’, the ‘Pāñchālas’ Kātyāyana explains ‘the People’ by the word Jāti. He speculates that territory was not (originally) fixed (अनवस्थिता ‘fluctuating’), hence *vis* (the people) was used. In place of ‘the People!’ the Taittirīya Samhitā (I 8, 10) of the Krishna Yajurveda gives, ‘O Bharatas’ [ एष वो भरता राजा ] which shows that the explanation of the Śrauta-sūtra-kāra is correct. The Yajurveda or the Veda of Rituals (formulae) was evidently composed in the land of the Bharata monarchy (Delhi-Agra).

§ 226. Soma is the life-giver of the vegetable king-

## CORONATION CEREMONY

dom or *Panaspati*.<sup>1</sup> Owing to the connexion of the Brahmins with the sacrificial Soma the deity Soma was <sup>Brahmin and Taxation</sup> considered to be their special deity. Here the king is consecrated as king of the whole people including the Brahmins, and the priest expresses this by calling him, Soma.<sup>2</sup> The sacerdotalist author of the Śatapatha, however, gives a questionable explanation of the closing sentence in the Vedic text above quoted. He says that it means that Soma and not the king was the king of the Brahmins. This is inconsistent with the existence of the indicative 'thi,' 'esha' in the text, the naming of the people or nation and the homage when the Brahmin resigns his privilege in the person of the king.<sup>3</sup> The Śatapatha marks the last stage of the Brāhmana period and it seems that the Priest-Brahmins about that time began to assert a claim of freedom from taxes. The Śatapatha explains that the meaning of the exception is that the king is to receive his sustenance from all others except the Brahmin.<sup>4</sup> In the Aitareya Brāhmana, however, the Brahmin is fully subordinate to the king, and so he appears to be in the Jātakas. The Vājasaneyi-Brāhmana Upanishad which belongs to the school of the Śatapatha places the Brahmin under the king. (तस्मात् क्षत्रियः नस्ति तस्माद्विषयः क्षत्रियमथस्तुपास्ते राजसूये Hence there is none above the Ruler, hence Brahmin sits under Kshatriya in Rājāsūya )

(IV. II.). The Taittiriya school does not accept the interpretation of the Śatapatha. Bhaṭṭa Bhāskara explains the Vedic text as denoting that as a Brahmin must never be without a king, he is supposed to be under Soma for the period before a king is consecrated, and after the king is consecrated, the king becomes his king also (अस्माकं ब्राह्मणानां सोमो राजा, अधुना अयं चेति । सर्वदा सरजका वयं इत्यभिप्रायः । Taittiriya Veda, Mysore, III. pp. 157-8). The Aitareya implies that he becomes the Protector of Brahmins and Protector of Law (VIII. 12).

The claim of the Śatapatha author is limited to a freedom from taxation in favour of the Brahmin. Vasiṣṭha in his Dharma-Śāstra (I. 45),<sup>1</sup> on the authority of the comment of the Śatapatha, deduces the rule that a Brahmin should not be taxed, and gives a further reason that he pays his taxes by allowing one-sixth of his good deeds to the king (I. 44). It seems that originally there was a difference of opinion between the Dharma school and the Artha school on the question of exemption claimed for the Vedic Brahmin. The politicians did not admit the claim. The Mānava Artha-Śāstra (a work of authority referred to in the Mahā-Bhārata also, but not yet discovered) is quoted by Soma-deva in his Nītivākyaṃṛita (C. VII.) which says that even those practising austerities in the forest and living by glean-ing corn from the fields pay one-sixth of it to the king. It

<sup>1</sup> राजानुपमर्षेणानुयासत्यष्टं धनस्य हरेत् । ४२ ।

"The king when ruling lawfully should take one-sixth of wealth." अन्यत्र ब्राह्मणाय ४३ ॥ "Except from the Brahmin". इष्टापूर्तस्य तु, वष्टमं भजतीति ह ॥ ४४ ॥ "For

"he divides with him one-sixth share of his virtuous deeds indeed" ब्राह्मणो वेदमाह्वयतीति ब्राह्मणो आपद उद्धरति तस्माद्ब्राह्मणो मायः । सोमोऽस्य राजा भवतीति ह ॥ ४५ ॥

"The Brahmin enriches the Veda, the Brahmin rescues from calamity; hence the Brahmin is not to be taxed. 'Soma becomes his king' (Śatapatha) indeed."

is the (share) of him who protects them (उच्छ्रयश्चागप्रदानेन वनस्या अपि तपस्विनो राजानं सम्भावयन्ति। तस्यैव तद्भूयात् यस्तान् गोपायति इति ॥) Final settlement seems to be that the Priests-Brahmins alone was exempted. The *Mahā-Bhārata* (*Sānti*, lxxvi. 5) makes Brahmins who are not Vedic priests liable to taxation. *Manu's Dharma Code* also limits the exemption to the Vedic priest, *Śrōtrīya* (VII. 133).<sup>2</sup>

The treatment of the passage from the coronation ceremonial by lawyers like *Vasishtha* proves that the constitutional bearing of the ceremonials and formulæ was evident to the ancient Hindus. They were regarded as basis of constitutional law by code-writers.

§227. After three steps he ascends the wooden throne and he is addressed as in the *Vājapeya* with these constitutional sentences taken from the *Saṃhitā* :

इयं ते राट् ।...यन्तासि यमनो ध्रुवोऽसि धरुणः ।

कृष्यै त्वा क्षौमाय त्वा रथ्यै त्वा पोषाय त्वा ॥<sup>3</sup>

(1) "To thee this State is given; (2) thou art the director and regulator, thou art stout and fast and bearer (of this state or responsibility) (3) to thee (*this State is given*) for agriculture, for well-being, for prosperity, for development". After the first sentence is pronounced, he is made to sit down.

1 अश्वोषियाः सारं पुनः सर्वं यानाहितप्रयः । तान्संशान् धार्मिको राजा वसि वि दित्वा करोति ॥ *M. B. S.*, 70, 2.

2 अथिमायोऽप्यादीन न राजा धोत्रिणाभ्यस्य । *M.*, VII. 112

3 *Saṃhitā*, I. 2. 1, 2.

The theological interpreter emphasises that it is by virtue of the above formula that sovereignty vests in the man. 'By that he is endowed with royal authority' to thee this State is given is the most sacred text uttered at the Hindu coronation. It bore such a mighty solemn consequence as the vesting of sovereignty in one man. The terse comment of the author of the *Brahmana* is immensely important in the history of the institution of Hindu kingship. It is this sacred act of delivering the trust that kingship depended upon and not on any other principle such as that of succession, or inheritance.

The purpose for which the State is given is defined for culture well-being prosperity development' and is generally summed up in the expression for the well is the Commentator explains (साधयेत्वा). It is not a gift it is a trust and a trust made sacred by the most sacred rites.

The conception enounced in sacredness is wholly human. The son of X X and Y Y is made the king of the people Z Z. He is not the son or lieutenant of any God. Nor is he appointed by any superhuman spirit. He is appointed by man anointed by man. Gods are invoked to aid him just as they are invoked in any other undertaking. But they do not confer the State. That is done by the human act expressed in the words 'to thee the State is given.'

§ 228. These sentences are taken from mantra 22 Chapter IX of the Samhita. The original mantra begins with salutations to the Mother Land [नमो मातृ पृथिव्यै नमो मातृ पृथिव्या] and she is pointed out to the King elect as the State or Sovereignty. The modern editions of the *Satapatha* give the

words साधवे त्वा after पोषाय त्वा with an intervening इति. The Samhitā shows that these words are not part of the sacred text. They must have been used by the author of the *Satapatha* as explanatory.

§229. Now we come to comparatively unimportant and less rigid post-Abhisheka ceremonies.

The "vow-holder" steps down from the throne and puts on shoes of boar-skin,<sup>1</sup> and takes a symbolical short drive in a chariot drawn by four horses.<sup>2</sup> This seems to be the origin of the Hindu pageantry of the coronation procession, which assumes gorgeousness in the age when the *Rāmāyaṇa* was composed.

The King comes back immediately to the throne which he again ascends while the priest recites: 'Sit thee on the pleasant soft-seated throne!' Then follows an exceedingly queer procedure. The king's person is silently touched on the back with a rod which is the symbolic sceptre of justice,<sup>3</sup> conveying by the action the view of the sacred common law that the king was not above but under the law.<sup>4</sup> The interpretation given of this procedure is an amusing piece of euphemism. The commentator says that it is done to carry the king's person beyond 'judicial destruction' (*daṇḍa-radha*)<sup>5</sup>

1 *Satapatha Brāhmaṇa* V. 4. 3. 10.

2 *Ibid.*, V. 4. 4. 2, etc.

3 *Ibid.*, V. 4. 4. 1.

4 *Ibid.*, V. 4. 4. 7. अथैनं वृष्टस्तृप्तिमिव ददमन्ति । त ददमन्तो ददवधमन्ति-

नवन्ति तस्माद्वाजा ददवधो यदेन ददवधमन्तिवन्ति ॥

5 Cf. *Mon.*, VII.

§230. Amongst the post-abhisheka ceremonies, the homage and its symbolical acknowledgment are most important both from the ritualistic and constitutional points of view. The set formulae with fixed epithets and adjectives and their universal and uniform occurrence in the Śruti literature indicate sacerdotal rigidity and the consequent importance of the function.

§231. The King seated on the throne is surrounded by the Ratnins sitting below, by Brahmins as an estate of the realm, by Brahmins as priests, by nobles, by the Grāmanī and others. The homage to the King is first paid by the Brahmins both as estate and as priest in the council of the Ratnins. The homage of the estates is preceded by the homage of the King to the Prithivī, the Earth, or the Land.

पृथिवि मातर्मा मा हिंसीर्मा ऽ अहं त्वाम् ।

"Mother Prithivī, injure me not,  
"nor I thee"

"This is performed, says the interpreter, 'lest She should shake him off'."

In the prologue of the function to the address 'O, Brāhmana' by the king—the reply comes forth interrupting the king. 'Thou art Brāhmana, thou art Varuna 'of true power' 'Thou art Brāhmana, mighty

1 Śatapatha Brāhmana, V 4 3 20 मेयं नावधून्वीत् According to the author of the Śatapatha the country and the king entered into friendly relations for a mother dies not injure her son, nor does a son, injure his mother, नहि मातु पुत्रो हिंस्ति न पुत्रो मातुम् ॥ E. Zellinger, S.B.P., Vol. XLI, p 143

2 Tājassaney Śākhinī X. 28 Tatparyā Br., I 7. 10



through the strength of the whole People—(Viś)—Five times, five individual Brahmins and priests, the king tries to address by the privileged designation, and in all cases the title of privilege is, so to say, resigned in the sovereign's favour,<sup>1</sup> and the sovereign and the popular representative character of the king (through the strength of the people) is pointed out.

"A Brāhmaṇa or a priest then offers the sacrificial sword" to the king, the increaser of the public prosperity.<sup>2</sup> The sword thus received, he passes on as symbol of authority to all the state officers and the village head men. And he demands their co-operation by quoting gracefully the very words of fealty used by the Brahmin—*Rule for me therewith', (tena me radhya)*. It has a double meaning *serve me therewith', (tena me radhya)*.<sup>3</sup> In the latter case the second meaning is intended. The command for co-operation is even directed to the *Sajāta*, an individual member of the nation<sup>4</sup>

§232. } The new king does not stop here. To impress that the administration, like a game of dice, is not possible by a single man, he asks the *Ratnas* to a symbolic game of dice. The bet is a cow, brought for the occasion by an ordinary member of the

<sup>1</sup> Evidently the idea is that the Brahmin may not now be addressed by his privileged designation of superiority. The superiority which is given to the king by the whole nation including the Brahmin makes the Hindu king legally and constitutionally superior to all classes and castes.

<sup>2</sup> *Satapatha Br.*, V 4 4 15

<sup>3</sup> *Ibid.*, V 4 4 14. Lit. "the much worker, better worker, more worker"

<sup>4</sup> A puzzle in which the author of the *Satapatha* (V 4 4 15 to 19) lands himself by not realising the pun.

<sup>5</sup> Receiving costly presents in homage and making generous gifts in return which abnormally developed in later times and which Muhammadan monarchs continued, is not known to the rituals even in symbols.

<sup>6</sup> *Ibid.*, V. 4 4 20—25

community. 'Thus in this great game of government which the king and his ministers were going to play, there was laid that sacred bet. The bet was the wealth of the most humble member of the community. It was willingly and graciously offered by the humble citizen. It was placed in their trust by a *Sajata*, 'one born together' with the players, or, as Sāyaṇa explains, 'one of equal birth', i.e., one of the Nation. There is a constitutionalism put here in physical symbols; there is pathos intermingled with duty. The abstract has been thickly clad in the concrete.

§ 233. Now the chief features of the ceremonies comprised in 'Hindu Coronation' are before the reader. In modern language they may be summed up and expressed for the sake of clearness in a few sentences;—

Summary  
 (a) Hindu kingship was a human institution.

(b) Hindu kingship was elective: the electorate being the whole People.

(c) Hindu kingship was a contractual engagement.

(d) Hindu kingship was an office of State, which had to work in co-operation with other offices of State.

(e) Hindu kingship was a trust, the

1 A son of the king-elect once plays a little part in a minor ritual *Satapatha*, V 4 2. 8. But it is not found in corresponding place in the *Krishna Yajus* ritual

## CORONATION CEREMONY

trust being the tending of the country to prosperity and growth.<sup>1</sup>

(f) Hindu kingship is expressly not arbitrary.

(g) Hindu kingship was not above the law but under it.

(h) Hindu kingship was primarily national and secondarily territorial.<sup>2</sup>

This constitutional conception is not undeserving of our philosophic forefathers. The Hindu race did not care solely for the world-after. Here, in one instance, we see the Hindu, of flesh and blood, and of sinews and muscles. It is surely not the despicable picture which represents them as an unholy assemblage of spiritual imbeciles, born to bow before the blast and plunge in thought again.

§231. The *Brāhmanas* do not recognise such a thing as hereditary succession. Each king must be consecrated as such and no reference is made to the previous successions in the rituals. This was due to the elective origin of the Vedic kingship. In fact, as in theory, Hindu kingship had not yet become hereditary in the time of the *Brāhmanas*. The inception

<sup>1</sup> Soon after—in the Upanishadic period—a new duty is placed on royal administration. The prosperity of the subjects should be not only material, but also moral. When five great theologians went to Akṣapati, king of Kekaya, he said with satisfaction—

न मे स्तेनो जनपदे न कुर्यो न मयपः ।

न नाहिताग्निर्नाविद्राघ स्योरो ह्यैरिषी इतः ॥

<sup>2</sup> 'In my kingdom there is no thief, no coward, no drunkard, no man without the territorial fire set up in his house, no one uneducated, no adulterer, much less an adulteress' (*Chāṇḍogya U.*, V 11 7). Here we have the beginning of that theory which becomes an axiom in later times, that political rule of the king is responsible for the moral condition of the people and that he is responsible for good and bad times. See 'King of the people' Z 7, and the Collection of the Waters and the Homage to the Land.

of the hereditary principle, however, is discernible.<sup>1</sup> According to the opinion of one school,-- if the coronation was desired for the life-time of the king-elect, only the first syllable of the *Vyākṛiti*--'Bhūh' भूः, was to be pronounced, if it was for two generations, 'bhūrbhuvah' (भूर्भुवः) and if for three generations, 'bhūrbhuvah' Svah (भूर्भुवः स्वः) the complete formula was to be repeated.<sup>2</sup> This was the opinion of one school of ritualists as indicated in the Aitareya Br. A historical reference to this theory is found in the inscription of Khāravēla where coronation for one generation is mentioned,<sup>3</sup> which naturally implies that coronation for generations more than one was possible. The tendency to hereditary kingship is corroborated further by the occurrence of *rājānam rājapitaram* ('king and father of a king') in the Aitareya Br. VIII. 12, while no such adjective to republican *Śarāj* or *Prāj* is added. But the rituals as originally designed were for each generation, and the one generation consecrated became the rule in practice for all ages to come, even when kingship became hereditary.

§ 235. Before we leave this period we have to take note of the sacred ceremony indicating the fact of deposition. Books xix to xxi of the *Sukla Yajurveda* prescribe formulæ of the Sautrāmanī sacrifice which a dethroned monarch performed. The *Taittirīya Brāhmaṇa*

1. Aitareya Brāhmaṇa, VIII, 7.

भूरिति य इष्टेदिमेव प्रत्यक्षमादित्य य इष्टेद-द्विपुलं  
भूर्भुव इत्यथ य इष्टेद्विपुलं वा अग्रिमं वा भूर्भुवः स्वरिति ।

Cf. also 'śarājapitaram' in VIII, 12.

2 J. B. E. S., III, 41.

## CORONATION CEREMONY

of the Krishna Yajurveda similarly recommends the Saut-  
rãmãñi to a deposed monarch. 'Deposition  
thus in this period is as much a recognised practice as in the  
early Vedic times. Its existence in later times is thus sanc-  
tioned by previous history.

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१ सोमो वा पुतास्य राज्यामादत्ते ।

यो राजा सन्त्राश्यो वा सोमेन यजते ।

देवपुत्रानेतानि हवीषि भवन्ति ।

पुतायन्तो वे देवानां स्याः ।

त पुत्रास्मै सुधान् प्रयच्छन्ति ।

त पुत्रं पुनश्च यजन्ते राज्याय ।

देवसु राजा भवति ।

*Taittiriya Brâhmana, I 4 2 See also Sayana on it (Anandâshrama ed I, p 179).*

## CHAPTER XXVI

### Coronation in Later Times

§ 236. In later times all the constitutional principles upon which the ritualistic coronation was based we find being acted upon, with modifications in details to suit changed and changing circumstances. According to the *Mahā-Bhārata*, Yudhishtira 'worshipped' his Ministers before his coronation.<sup>1</sup> Here ministers stand for the Vedic Ratnins. At the proposed coronation of Rāma as King-assistant (*Yuvārāja*)—as described in the *Rāmāyana*,<sup>2</sup> according to the practice and ideas current in the days of its composition<sup>3</sup>—we find the *Jānapada* and the *Pauras* present in place of the *Grāmanī* and *Sajātas* and the guild of merchants and traders in place of the Vedic 'rathakāras' and 'karmāras.' In the *Mahā-Bhārata* at the royal coronation of Yudhishtira we see the Brahmins, the owners of the land, the *Vaiśyas* and all the respectable

1 'अर्चयिष्यासभासदः' *Sabhā Parvan* Ch XIII 4, 28 29

2 *Rāmāyana*, Bk II, Ch XIV, v 52,

उदतिष्ठत रामस्य समग्रमभिषेचनम् ।

पौरजानपदाश्चापि नैगमस्य कृताञ्जलिः ॥

3 "The cumulative evidence of the above arguments makes it difficult to avoid the conclusion that the kernel of the *Rāmāyana* was composed before 500 B.C., while the more recent portions were probably not added till the second century B.C. and later." Macdonell, *Sanskrit Literature*, p. 309 The view is in agreement with Jacobi's analysis (*Das Rāmāyana*)

4 See below Chapters XXVII and XXVIII.

Śūdras invited.<sup>1</sup> In the Rāmāyaṇa<sup>2</sup> the Brahmins, Ministers, Knights (Kṣatriyas) and members of guilds (which had all castes in them) sprinkle the king with waters brought from the seas and rivers. A new element introduced is the representation of womanhood: unmarried girls also take part in the be-sprinkling. In the Mahā-Bhārata all the representatives of the subjects led by Dhaumya and Kṛishṇa consecrate Yudhisṭhira.<sup>3</sup> The emperor receives presents and makes gifts of honour. According to Nīlakanṭha (Nīlīmāyūkha)<sup>4</sup> the four chief ministers (मुख्यामात्यचतुष्टयम्), Brahmin, Kṣatriya, Vāisya and Śūdra by caste, consecrated the new king. Then the leaders (Mukhyāḥ) of each Varna and of the castes lower still (शूद्राश्चावरमुख्याश्च) consecrated him with holy waters (नानातीर्थसमुद्भवः). Then followed Acclamation by the twice-born (द्विजकोलाहलेन च). The king next sat amongst ministers and representatives of the people, Citizens of the Capital, merchants, traders, leaders of the bazar (पण्यवसान्) and others who were introduced by the gentleman-usher to the king (प्रतिहारः प्रदर्शयेत्). A procession through the streets of the capital concluded the ceremony.<sup>5</sup> According to the Brahma-Purāṇa, quoted in the Viramitrodaya-Rājaniṭi-prakāśa

1 Sabhā Parva XXXIII, 41, 42. Kumbakonam ed., C XXXVII,

ग्रामन्यध्वं सान्द्रं पु मासयान्भूमिपानय ।

वियस्य माम्यान्नुवाच सर्वानायतेति च ॥

2 Yuddhakāṇḍa, 128 02 (Bombay) अस्मिन्महासभायाः पर्वः कन्याभिर्मान्त्रिभिस्तथा ।  
बोधैरेवाम्याविष्कृते संप्रदष्टेः सर्वगमे ॥

3 Śanti, C XLI

4 Benares, 1880, pp 27, सप्तो भद्रासनगतं तु शूद्रामात्योऽभिषेचयेत् ।

5 The king's mūlakaṇṭha diadem had five crests (śikhā), that of the Queen, three, of the Tuvareja, three; and of the Senāpati, one. Ibid. p. 4

(p. 46) the king after the ceremony went round the capital, on an elephant, re-entered the palace, and offered worship or honour to all the leaders of the Paura (प्रदक्षिणीकृत्य पुरं प्रविश्य च पुरं गृहम् । समस्तान् पौरमुख्यांश्च कृत्वा पूजां विसर्जयेत् ॥). In the Pushya coronation ceremony as laid down in the Atharvānapariśiṣṭa<sup>1</sup>, the king after the ceremony allowed audience to Brahmins, and saluted the wives of the leaders of the subjects, Associations or Guilds, whereupon they gave him blessings.

This procedure is really the same in essentials as we find in the Brāhmaṇa period, with an extension of the principle of representation. We find the Elders of Pañchāla i.e., the members of an association similar to or identical with the Paura and Jānapada of Pañchāla, doing the *Abhisheka* of the new king of Kānyakubja in the time of Dharma Pāla, as recorded in his Khālimpur copper plate.

§ 237. Similarly the Coronation Oath now called *Pratijñā*, was administered. In the Mahā-Bhārata, it is given in terms which correspond to the oath given in Aitareya Brāhmaṇa.

The oath is called by the Mahā-Bhārata a *Śruti*, which denotes that the oath was based on Vedic text. As the Aitareya enjoins that the oath should be repeated 'with faith' (*saha-śraddhayā*), so here it had to be pronounced without any mental reservation:

1. Cited by Mitra-Misra in *V. M. R.* p. 114.

स्तस्मै दयं देयं प्राप्स्यामि दयेषु तु ।

अथोपकृतिमुत्थानां स्त्रीजनं च तमस्करेत ॥

आतिवस्ते हि दास्यन्ति.....

२ 'हृत्पदपञ्चालद्वयोर्दूतजनकमपस्वामिपेकोदकुम्भो दत्तः श्रीकान्यकुब्जः' *Sp. Ind.* IV, p. 249. See below, Ch. XXVII.



प्रतिज्ञाश्चाभिरोहस्य मनसा कर्मणा गिरा ।

पालयिष्याम्यहं भीमं ब्रह्म इत्येव चासकृत् ॥

यश्चात्र धर्मो नीत्युक्तो दण्डनीतिव्याधयः ।

तमशङ्कः करिष्यामि स्ववशो न कदाचन ॥<sup>1</sup>

"Mount on the *Pratijñā* (take the oath),  
"from your heart (without any mental reservation),  
"in fact-and-by word of mouth;

(a) "I will see to the growth of the  
"Country's regarding it as God Himself  
"and (this) ever and always;

(b) "Whatever law there is here and  
"whatever is dictated by Ethics and  
"whatever is not opposed to politics I  
"will act according to, unhesitatingly.  
"And I will never be arbitrary".<sup>4</sup>

To the royal oath the people pronounced 'A men',  
(एवमस्तु).<sup>5</sup> The most remarkable feature about the Hindu

Coronation Oath is still retained; there is not  
a trace of superstitious or mystic element in it.

It is in this respect in unique contrast with the  
royal oaths of other countries.<sup>6</sup>

1 *Sānti-Parvan* (Calcutta) lx. 106, 107. Kumbakonam edition, lvi. 115, 116. The reading in the Southern recension is प्रतिज्ञाश्चाभिरोहस्य. Instead of नीत्युक्तो of Bengal it has इत्युक्तो which does not give a satisfactory meaning.

2 Mount or ascend (on the *Pratijñā*) is with reference to the symbolic ascent to the throne and to all the quarters. *Pratijñā* literally means acknowledgment, 'affirmation' or 'vow'.

3 The original word is भीम i.e. "all that belongs to the country."

4 The original word is स्ववश. In the *Atareya* व्यापार form of monarchy is mentioned. The *Mohā-Bhārata* here shows that it denoted autocracy and that it stood discredited in the country.

5 Cf. article on Oath in the *Enc. Brit.* (Fifteenth Edition)

(p. 46) the king after the ceremony went round the capital, on an elephant, re-entered the palace, and offered worship or honour to all the leaders of the Paura (प्रदक्षिणीकृत्य पुरं प्रविश्य च पुरं गृहम् । समस्तान् पौरमुख्यांश्च कृत्वा पूजां विसर्जयेत् ॥). In the Pushya coronation ceremony as laid down in the Atharvanapariśiṣṭa<sup>1</sup>, the king after the ceremony allowed audience to Brahmins, and saluted the wives of the leaders of the subjects, Associations or Guilds, whereupon they gave him blessings.)

This procedure is really the same in essentials as we find in the Brāhmaṇa period, with an extension of the principle of representation. We find the Elders of Pañchāla i.e., the members of an association similar to or identical with the Paura and Jānapada of Pañchāla, doing the *Abhisheka* of the new king of Kānyakubja in the time of Dharma Pāla, as recorded in his Khālimpur copper plate.

"Sāmān<sup>2</sup> 237. Similarly the Coronation Oath now pleased by Pratiñā, was administered. In the and when the oath, it is given in terms which become distressed. This is a settled principle. "I want to hear on this from you, O Chief of the Bharatas. "Please expound to me the subject with underlying principles exhaustively, O you the Great Expounder. The reason of this, O Leader of the people! could not be insignificant, for to this one man the whole creation looks for guidance as if he were a God."

This was the question put by Yudhishtira which elicited from Bhishma a history of kingship and of the Coronation Oath.

1 Śānti Pauras (Calcutta) LX 5 12 (Kumbakonam LXIII 5-8).

य एव राजन् राजति शब्दप्रति भावत ।

कथमेव समुत्पन्नस्त्वमेव हि पितामह ॥ ५ ॥

## CORONATION IN LATER TIMES

प्रतिज्ञाश्चामिरोदस्य मनसा कर्मणा गिरा ।

पालयिष्याम्यहं भौमं ब्रह्म इत्येव चासकृत् ॥

यश्चात्र धर्मो नीत्युक्तो दण्डनीतिव्यपाश्रयः ।

तमशङ्कः करिष्यामि स्ववशो न कदाचन ॥ १

"Mount on the Pratijñā—(take the oath) '  
"from your heart (without any mental reservation),  
"in fact and—by word of mouth;

(a) "I will see to the growth of the  
"Country regarding it as God Himself  
"and (this) ever and always;

(b) "Whatever law there is here and  
"whatever is dictated by Ethics and  
"whatever is not opposed to politics I  
"will act according to, unhesitatingly.  
"And I will never be arbitrary".<sup>1</sup>

To the royal oath the people pronounced 'A men',  
(एवमस्तु). The most remarkable feature about the

Coronation Oath is still retained

a trace of superstitious oracles ॥ ६ ॥

तुल्यशुक्रास्थिमज्जा च तुल्यमांसासृगेव च ।

मिःश्वासोऽप्युवासास्तुल्यरश्च तुल्यप्राणशरीरवान् ॥ ७ ॥

समानजन्ममरणः समः सर्वेषु येनृणां ॥

विधिष्टुदीप्शूरांश्च कथमेकोऽधितिष्ठति ॥ ८ ॥

कथमेको महीं कृत्स्नां शूरवीरार्यसकुलाम् ।

रक्षत्यपि च लोकस्य प्रसादमभिवान्धति ॥ ९ ॥

एकस्य तु प्रसादेन कृत्स्नो लोकः प्रसीदति ।

व्याकुले चाकुलः सर्वो भवतीति विनिश्चयः ॥ १० ॥

एतद्विज्ञाम्यहं श्रोतुं त्वत्तो हि भरतर्षभ ।

कृत्स्नं तन्मे यथातत्त्वं प्रब्रूहि घदतां वरः ॥ ११ ॥

नेतृकारणमत्यल्पं भविष्यति विर्णापते ।

यदेकस्मिन्जगत्सर्वं देवव्याप्तिं संप्रतिष्ठा ॥ १२ ॥

<sup>1</sup> *Rukia*. In this description there is a tendency to appropriate the credit to the pseudo-historical tyrant, to Brahmins philosophers and priests. There are

descendant of Vena. He promised faithfulness<sup>1</sup> and the above oaths were administered to him. He ruled successfully in accordance with law and his undertaking. The people were pleased with him and he obtained the title Rājā ('Pleaser.')<sup>2</sup>

§239. Such is a pseudo-historical theory devised to explain the Hindu Coronation Oaths by political writers. The germs of the theory go back to the Satapatha Brāhmaṇa<sup>3</sup> which says that Piithu Vamya was the first

traces of a subsequent brahmanisation of the theory in certain places. All the *varṇas*, it is said in the beginning of the chapter, went to the Creator for advice on the appointment and election of a king. Why in subsequent procedure, then, should the *Rishis* alone figure prominently? The reply may be given that *Rishis* were from, and represented, all the three *Aryan varṇas*. Yet there is no doubt as to a leaning towards Brahmin prominence. In the same book combined action by all the *varṇas* in a similar matter is discussed. The explanation of the fact that the *Mahābhārata*, the *Rāmāyana* and the *Mānava Dharma Śāstra* bear very strong marks of an overstatement of Brahmin claim, attributable to the same period and to almost the same pens and hands, is found in the political history of the 2nd Century B.C. At that time a great Brahmin (*Pushyamitra*) actually ascended the throne of India and brought about a mighty religious and social revolution as against the previous political and religious systems. When the Brahmin ruler crushed the Greek power and saved Hindu civilization, the claims could be made with some justification, and in view of the great success and popularity of the new *regime*, could become current with greater ease than they would have been otherwise. Both the epics clearly state that they were revised (e.g., *पुरा वाहनीकिना हृतम्*) (*Rāmāyana* Bk. VI, Ch. 123, 105 and 110) and *Mahābhārata* (Bk. I). Their attacks on Buddhism and the political data which in the case of the *Rāmāyana* exclusively and in the case of the *Mahābhārata* mostly, belong to the 2nd Century B.C. prove that revision to have been made in the early Śuṅga period. Overstatement of Brahmin claim in them therefore should not mislead us. It can be fortunately corrected in the light of inscriptions, the *Jātaka*s and other Pāli works and books like the *Artha Śāstra*, the *Dharma Śūtras* and the records left by foreign observers.

1 यन्मां भवन्ता वदन्ति कार्यमर्थयमन्वितम् ।

तद्दृष्ट्वा कल्पयामि नात्र कार्यो विचारया ॥

"Whatever you gentlemen tell me proper for me to do in accordance with the Science of Politics I will do for you without any objection." *MDA Sānti* ILL, 102

2 रन्जितारव प्रजास्तारो तेन राजेति श्रुण्वते । *Idid* verse 123

3 *Satapatha Brāhmaṇa*, V 3 5 4 Vamya is known even to the *Rig-veda* TIL 9 10. In the *Rig* he appears to be a *Rishi* and a historical person II 112, 15)

anointed king of the Hindus. The theory implies that the Oath originated with kingship, that it was as old as kingship itself. An analysis of the oaths discloses the following position of the Hindu king.

1. That the trust in his hand—the tending ('I will see to the growth,' '*pālayishyāmi*') of the country—is the foremost solemn obligation of the sovereign.

2. That the country put under his care is to be regarded by him as nothing less than God,<sup>1</sup> which implies sincerity, respect and awe. The relation is far from being patriarchal, theocratic or aristocratic.

3. That he is expressly not to be arbitrary. He is bound by the law, is brought under the law. He undertook to act according to the law established. He was further bound by the rules of political science. These two were to regulate his actions in internal administration and foreign relations. And he undertook never to disregard them.

§210. Nations of antiquity and nations of our own times have devised Coronation Oaths for their kings. But none more forcibly brings to the notice of the new king the all-powerful, the all-sacred position of the Country he is going to rule.

To offend against that country was to offend against God Himself. Having once uttered this oath it was impossible to forget it. If a Hindu monarch failed to keep his coronation oath he would be a *sātya-pratijñā* (असत्यप्रतिज्ञा) and a *sātya-sandhā* (असत्यसन्ध), 'false in his vow,' and he

<sup>1</sup> The subjects are called *God* (Vishnu) in an Abhidhāna text quoted by Chanakya (M.N.2, ch. XVI).

असत्यसन्धः न मे राज्यं राजास्य स्वयं प्रजाः ।  
इति सव प्रजाविष्णुं सान्निध्यं धाम्यन्मुहुः ॥

descendant of Vena. He promised faithfulness<sup>1</sup> and the above oaths were administered to him. He ruled successfully in accordance with law and his undertaking. The people were pleased with him and he obtained the title Rājā ('Pleaser.')

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traces of a subsequent brahmanisation of the theory in certain places. All the *varṇas*, it is said in the beginning of the chapter, went to the Creator for advice on the appointment and election of a king. Why in subsequent procedure, then, should the *Rishis* alone figure prominently? The reply may be given that *Rishis* were from, and represented, all the three Aryan *varṇas*. Yet there is no doubt as to a leaning towards Brahmin prominence. In the same book combined action by all the *varṇas* in a similar matter is discussed. The explanation of the fact that the *Mahābhārata*, the *Rāmāyaṇa* and the *Mānava Dharma Sūtra* bear very strong marks of an overstatement of Brahmin claim, attributable to the same period and to almost the same pens and hands, is found in the political history of the 2nd Century B.C. At that time a great Brahmin (*Puṣyamitra*) actually ascended the throne of India and brought about a mighty religious and social revolution as against the previous political and religious systems. When the Brahmin ruler crushed the Greek power and saved Hindu civilization, the claims could be made with some justification, and in view of the great success and popularity of the new regime, could become current with greater ease than they would have been otherwise. Both the epics clearly state that they were revised (e.g., *पुरा वास्मीकिना कृतम्*) *Rāmāyaṇa* Bk. VI, Ch. 123, 105 and 110) and *Mahābhārata* (Bk. I). Their attacks on Buddhism and the political data which in the case of the *Rāmāyaṇa* exclusively and in the case of the *Mahābhārata* mostly, belong to the 2nd Century B.C. prove that revision to have been made in the early Śuṅga period. Overstatement of Brahmin claim in them therefore should not mislead us. It can be fortunately corrected in the light of inscriptions, the *Jātakas* and other Pāli works and books like the *Arthashastra*, the *Dharma Sūtra*, and the records left by foreign observers.

1 यन्मो भवन्ति वदन्ति कार्यमप्यसमन्वितम् ।

तदहं व कल्पयामि नात्र कायां विचारयामि ॥

"Whatever you gentlemen tell me proper for me to do in accordance with the Science of Politics, I will do for you without any objection." *MMA Sūtra* LIX. 102

2 रजितराज्यं प्रजास्वर्गं तेन राजेति श्रूयते । *Ibid* verse 123

3 *Satapatha Brāhmaṇa*, V. 15.4. Vainya is known even to the *Rig-veda* VII. 9. 10. In the *Rig* he appears to be a *Rishi* and a historical person II. 112. 15)

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§240. Nations of antiquity and nations of our own times have devised Coronation Oaths for their kings. But none more forcibly brings to the notice of the new king the all-powerful, the all-sacred position of the Country he is going to rule. To offend against that country was to offend against God Himself. Having once uttered this oath it was impossible to forget it. If a Hindu monarch failed to keep his coronation oath he would be *ānātya-pratijñā* (अनत्यप्रतिज्ञा) and *ānātya-nandhā* (अनत्यसन्ध), 'false in his vow,' and be

1. The subjects are called God (Vidvat) in an Atharva text quoted by Cassiniani (R.N., ch. XVI):

अथात्म्यं न मे राज्यं राजास्यं रक्षतु प्रजाः ।  
 इति नाना प्रजाविष्णुं मासिषं भारग्यमुहः ॥

would forfeit his title to remain on the throne. That the Coronation Oath was not an empty formality is evidenced by the fact that kings at times said with pride that they were true to their oaths. The hinduised *Udradāman* was anxious to declare in his inscription that he was *satya-pratijñā* (सत्यप्रतिज्ञ), that he never levied taxes which were not lawful. The charge of breaking the oath was at times constructively extended. If the monarch failed to maintain the integrity of the state he was considered guilty of breaking his vow. *Brihadratha Maurya* who was weak as ruler and during whose reign the Greeks made a second attempt at conquering India, was removed from the throne, and was called (e.g. by *Bāṇi*) weak in keeping his *Pratijñā* (*Pratijñā-durbala*). The king, having taken the oath to act according to the law as established, if he acted unlawfully and committed a crime he would be considered to have broken faith and his action would be illegal, for which the people who had installed him would remove him. The *Jātakas*<sup>1</sup>, tradition, literature and history furnish illustrations. In the *Mahā Bhārata* the plea for the deposition and execution of the tyrant *Vena* was that he was unlawful *vidharmā*<sup>2</sup>; the 'formal' deposition of *Nāga-Dasa* *kā* of *Magadha* and his punishment was due to his parricide.<sup>3</sup> King *Pāṇḍava* of the *Mricchhakatika* was deposed because he had incarcerated *Āryaka* without the latter having committed any crime.

1 *Epigraphia Indica*, VIII pp 49 44

2 See *M. Dh. Ash. P. Ltr.* —

अरिस्तार हचरिं बिलोप्तामनायकम् ।

तं वै राजकलिं हन्युः प्रजाः सज्जस्य निर्धयन् ॥ ३२

अह वा रजितेत्युक्त्वा यो न रजति भूमिपः ।

स सहस्य निहन्तव्यः श्रेयः सोन्मादातुरः ॥ ३३

3 L. g. *Jātaka* vol I p 398

4 *Mahābhārata* (IV 4) compiled by a Hindu in Ceylon in the 5th Century A. C. who drew upon the old traditions of his own country



§241. The oath was deemed to be the essential sacrament down to later Muhammdan times. The coronation as then prevalent are not the same in all details as in the Brāhmanas. The coronation procession has developed out of the simple chariot drive. The king, as we have seen, holds a S a b h ā where the leaders of the community are introduced to him. The modifications are many and considerable. But the Coronation Oath is the oath of the Aitareya Brāhmaṇa, and Hindu lawyers did register it in spite of their mediæval ideals of kingship. In spite of vicissitudes in fortune, in spite of contact with contrary doctrines, the Hindu race did not forget the coronation oath devised by their Vedic forefathers. Thanks to sacerdotalism, the oath has been preserved for history and posterity.

§242. Kingship had become hereditary.<sup>1</sup> Yet the theory that Hindu kingship is elective was never forgotten. This was due to, I think two factors. On failure of the lines, as Megasthenes<sup>2</sup> has recorded, elections had been actually taking place; and the observance of the coronation ceremonials and rituals kept the theory ever green. Even in Moslem times when Śivaji was installed as King, 'Chhatrapati,' the ceremony took the form of election. The theory was a living force as late as the time of the Pāla kings of Bengal. G o p ā l a claims the benefit of the principle of election in his inscription. He says that the people joined his hand with sovereignty and put an end to anarchy.<sup>3</sup> In earlier times the theory was, of course, current in the

1 Rājānīti Viramītrodaya p 62 (Benares 1916)

2 Ptolemy Chapters XXVIII and XXIX

3 Jāyama, Agniṭya K 21 32, 6 16

राज्यं गृह्णाण भवतः पितृदेवतामहं भूयम्, 79, 7 : 79, 7

2 Arrian, Indica VIII

4 मातृव्यवसायगुणोद्दिष्टं प्रहृतिभिर्दम्यार वर पादितः ॥ Pr Ja I, V. 1 IV 21

would forfeit his title to remain on the throne. That the Coronation Oath was not an empty formality is evidenced by the fact that kings at times said with pride that they were true to their oaths. The hinduised R u d r a d ā m a n was anxious to declare in his inscription that he was s a t y a - p r a t i j ñ a (सत्यप्रतिज्ञ), that he never levied taxes which were not lawful. The charge of breaking the oath was at times constructively extended. If the monarch failed to maintain the integrity of the state he was considered guilty of breaking his vow. B r i h a d r a t h a M a u r y a who was weak as ruler and during whose reign the Greeks made a second attempt at conquering India, was removed from the throne, and was called (e.g. by Bāṇa) weak in keeping his P r a t i j ñ ā (P r ā t i j ñ ā - d u r b a l a). The king having taken the oath to act according to the law as established, if he acted unlawfully and committed a crime he would be considered to have broken faith and his action would be illegal, for which the people who had installed him would remove him. The Jātakas<sup>3</sup>, tradition, literature and history furnish illustrations. In the Mahā Bhārata the plea for the deposition and execution of the tyrant Vena was that he was unlawful v i d h a r m ā; the 'formal' deposition of N ā g a - D a s a k a of Magadha and his punishment was due to his parricide.<sup>4</sup> King P ā l a k a of the Mricchhakatika was deposed because he had incarcerated Ā r y a k a without the latter having committed any crime.

<sup>1</sup> Epigraphia Indica, VIII, pp 43 44.

<sup>2</sup> See W. Dh. Anuk P LXI—

अरुणितारं हतारं विलोप्तामनायकम् ।

तं वै राजकलि हन्तुः प्रजाः सप्रह्य निर्धृणम् ॥ ३२

ग्रहं वो रक्षितेत्युक्त्वा यो न रक्षति भूमिपः ।

स संहृत्य निहन्तव्यः श्रेय सोन्मादातुरः ॥ ३३

<sup>3</sup> E.g. Jātaka vol I p 308

<sup>4</sup> Mahābhārata (IV 4), compiled by a Hindu in Ceylon in the 5th Century A. C. who drew upon the old traditions of his own country

§241. The oath was deemed to be the essential sacrament down to later Muhammadan times. The ceremonials of coronation as then prevalent are not the same in all details as in the Brāhmanas. The coronation procession has developed out of the simple chariot drive. The king, as we have seen, holds a S a b h ā where the leaders of the community are introduced to him. The modifications are many and considerable. But the Coronation Oath is the oath of the Aitareya Brāhmana, and Hindu lawyers<sup>1</sup> did register it in spite of their mediæval ideals of kingship. In spite of vicissitudes in fortune, in spite of contact with contrary doctrines, the Hindu race did not forget the coronation oath devised by their Vedic forefathers. Thanks to sacerdotalism, the oath has been preserved for history and posterity.

§242. Kingship had become hereditary.<sup>2</sup> Yet the theory that Hindu kingship is elective was never forgotten. This was due to, I think two factors. On failure of the lines, as Megasthenes<sup>3</sup> has recorded, elections had been actually taking place; and the observance of the coronation ceremonials and rituals kept the theory ever green. Even in Moslem times when Śīvaǵī was installed as King, 'Chhatrapati,' the ceremony took the form of election. The theory was a living force as late as the time of the Pāla kings of Bengal. G o p ā l a claims the benefit of the principle of election in his inscription. He says that the people joined his hand with sovereignty and put an end to anarchy.<sup>4</sup> In earlier times the theory was, of course, current in the

1 Rājansī Vīramitrodaya p. 52 (Knares 1917)

See below Chapter XXVIII and XXIX

2 Pliny, Nat. Hist. 6. 112 C II

राज्यं गृहाय भक्त विदुषामहं भूयम्, 79 5, 79 7

3 Arrian, Indica VIII

4 मातृपुत्राद्यप्युपहितु प्रहतिभिर्नम्या कर दाहित ॥ Ep. Ind. Vol. IV p. 10

mouth of sovereigns and peoples. In the second century of the Christian era Rudradāman states in his inscription that he had been 'elected by all the Varnas to kingship'.

§243. By the inscription of the Emperor Khāravela it is evident that Hindu Coronation could not take place before the completion of the twenty-fourth year of the King-elect. One branch of the Jaina literature asserts that Vikrama was crowned in his 25th year. This was the age when ordinarily a Hindu (e.g. Śvetaketu) was supposed to have completed his academic career in the period of Upanishads. The existence of the constitutional law for coronation at the age of twenty-five which the inscription of Khāravela points out, is confirmed by the Brihaspati-Sūtra, I. 89, *pañcha-viṃśativarsham yāvat kṛdā-vidyāṃ vyasanāt kuryāt ata uttaram arthārjanam*, which agrees almost literally with the record of Khāravela.

We have historical examples of the fact that the coronation laws were strictly complied with.

Even Aśoka's family who had accepted heterodox philosophies could not interfere with the orthodox and sacred coronation laws.<sup>3</sup> He was not crowned for four years after his what we to-day call succession. Evidently he had not completed his twenty-fourth year as in the case of Khāravela. The uncrowned period of his reign in the eye of the Hindu law was a period not to be recognised. If we keep this in view we can understand the provision in Vāsishṭha's-

1 सर्वगौरवमिमं रत्नधार्यं पतिते दृतेन । *Ep Ind Vol VIII, p 43*

2 *Arthārjanam* engagement in commonwealth or political life

3 His great son Dasaratha mentions his own *abhisheka* in his inscriptions

Dharma-Sūtra that interest on loan was not to be calculated for the period between the death of the sovereign and the coronation of the new king.<sup>1</sup> The legal years were counted only by regnal years (Rājavarsha).<sup>2</sup> Hence also the Purāṇas do not count the pre-coronation years of Aśoka's reign while they include it in the total for the dynasty.<sup>3</sup> This also shows that a king to be a legal sovereign must receive his royal consecration. The Purāṇas call foreign barbarians of the 6th century *naivamardhābhikṣikṭās-te*, 'unconsecrated heads', i.e., 'usurpers.'<sup>4</sup> Unless one accepted the responsibility by a solemn engagement he was not lawfully entitled to govern. The legalism about coronation was so strong that Kālidāsa in drafting Pushyamitra's letter to Agnimitra takes care not to describe Pushyamitra as king. The preparations for coronation by Rāja-Sūya were still in progress, coronation had not yet taken place. He was therefore not king *de jure*.<sup>5</sup>

1 राजा तु मृतभावेन द्रव्यवृद्धिं विनाशयेत् ।

पुनारजामिषेकेण द्रव्यमूलं च वर्धते ॥

—Vāśiṣṭha Dharma-Sūtra, II 49.

2 राजवर्ष मासः पक्षो दिवसश्च.....इति कालः ।—Artha Śāstra, p 60 (II 6 24)

3 Jayaswal, J D O. R S, Vol I (1915) p 97, Vol III 438.

V. Smith, *Early History of India* (3rd Edition) p. 197

4 Vāyu Purāṇa, Paṅgater PT. p 56.

5 *Madrikāgnimitra*.

The absence of the royal title in the letter gave occasion to much controversy amongst scholars. The constitutional explanation given above might be the 'real solution'. Kālidāsa assumes that he was not yet crowned.

## CHAPTER XXVI

### Sacrament of Coronation Oath

and

### Theory of Divine Origin of King

§ 244. With the actual observance of the sacrament of Coronation Oath, it was impossible for a theory of origin other than human to take root in Hindu Politics. Even a usurper, as long as he was a Hindu, had to undergo the sacrament of coronation and when he actually took the oath, his old title of force and conquest disappeared. In the second century A. C., when Hindu society had already undergone a great social change as is evinced by the law-books and controversies of the time,<sup>1</sup> even foreigners sought to legalise their position by the sacred, constitutional ceremonies. Rudradāman based his claim on election and his responsibility on the Coronation Oath. No room for a theory like divine origin existed.

This was demonstrated when an attempt at establishing a theory which was the nearest Hindu approach to the divine theory of kingship miserably failed. The Divine Origin of King Mānava Dharma-Śāstra which was written under the revolutionary régime of the Brahmin Pushyamitra<sup>2</sup> preached that the king should not be despised because

<sup>1</sup> E.g. The *Tagarasthi* of Aśvaghoṣa

गोत्रमाहात्म्यमाश्रय्य ब्राह्मणो नो शुद्धपर्यन्तमभिगमनदर्शनात् । अतो जातिब्राह्मणो न भवति ।

इह हि कैवर्त्त रजक चण्डाल कुलेष्वपि ब्राह्मणाः सन्ति एकवर्णो, नास्ति चातुर्वर्ण्यम् ॥ etc.

Bauddhāyana condemns the Punjab as a place of mixed varnas. In the period of the Upanishads the Punjab was the home of orthodoxy. Bauddhāyana's condemnation would refer to the period of the rise of Buddhism in the Punjab—Aśoka to Menander.

<sup>2</sup> His caste is discussed by me in the *Brahmin Empire* (1912) a revised edition of which is published in *MOES* 257—267. See *Pāṇini* IV 8 (17 on *Śūneca*, *Patañjali* VI, 2 130 on *brahmanā-ryya*, and *Tārānātha* p 81 on *Brahmanen I enry* Pushyamitra. For connection between the *Mānava Dharma-Śāstra* and Pushyamitra see my

he was only a man; he was a deity in human form. For this theory the author found no direct support in earlier literature. He uses the theory of politicians, which we have already noticed (§101), that when the people were dissatisfied with the Arājaka system they consulted the Creator who recommended a king. He leaves out the theory about the election of Manu Vaivasvata and takes apparently the story of Vena. He says, 'God created king to save the people from Arājaka.' But he ignores the further tradition of the deposition of Vena of divine origin because he ruled unlawfully. The Mānava Code twists the import of the coronation ritual invoking the help of gods to the elected king in his new career.<sup>3</sup> The Code says that these gods come into the person of the king and he becomes a great Deity.<sup>4</sup> The king is not to be despised. I think the idea of such a theory was suggested by some discussion as the one in the Artha-Śāstra.<sup>5</sup> A man in the pay of the Government was made to say:

Tagore Lectures on Manu and Yājñavalkya. In the time of the Mānava Code the Pāṇjāns were neighbours of India but the country of which Mathura was capital was yet orthodox, the country of the Mlechchha was still beyond in its proper This indicates the period about 150 B C

1 Mānava Dharma śāstra VII 8

बालोऽपि नावमन्तव्यो मनुष्य इति भूमिपः ।

महती देवता ह्येषा नररूपेण तिष्ठति ॥

2 Ibid VII 3,

अराजके हि लोकेऽस्ति न्सर्वतो विद्वते भयात् ।

रत्नार्थमस्य सर्वस्य राजानमसृजत्प्रभुः ॥

3 In this connection see also the text of the Vajasaneyi Samhitā X 16 17 23 along with corresponding Brāhmaṇa passages.

4 Ibid VII 7,

सोऽग्निर्भवति वायुश्च सोऽर्कः सोमः स धर्मराट् ।

स कुवेरः स वरुणः स महेन्द्रः प्रभातः ॥

5 Artha Śāstra p 23 'इन्द्रयमस्थानमेतत् राजानः प्रपन्नदेवपादाः । वानवमन्य मानवैरोऽपि दण्डं क्षुण्णति । तस्माद्वाजानो नावमन्तव्याः इति ब्रह्मज्ञानप्राप्तिर्नैव ।

## CHAPTER XXVI

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<sup>1</sup> See above § 176, n

<sup>2</sup> *Mānava Dharmaśāstra*, III 913,

एकमेव दहन्यमिन्नं दुःस्वपिणम् ।

कुलं दहति राजाभिः सपुत्रद्वन्द्वमथयम् ॥ ६

कार्यं चावेज्य शक्तिं च देवकालौ च सत्त्वतः ।

कुले धर्मसिद्धयं विधिरूपं पुनः पुनः ॥ १०

यस्य प्रसादे यदा श्रीविजयश्च पराजये ।

सुखं च वसति शोभे पर्यवेत्तोमयो हि मः ॥ ११

तं यस्तु द्वेष्टि सप्तोद्दाम्य विनाशयत्यसयम् ।

तस्य द्यायुः विनाशाय राजा प्रकुलं मनः ॥ १२

सम्मादर्मं यमिष्टे तु मन्व्यस्येष्टराषिः ।

अग्निं चाप्यग्निष्टे तु तं धर्मं न पिबालपेन ॥ १३



✓ he was only a man ; he was a deity in human form. / For this theory the author found no direct support in earlier literature. He uses the theory of politicians, which we have already noticed (§101), that when the people were dissatisfied with the Arājaka system they consulted the Creator who recommended a king. He leaves out the theory about the election of Manu Vaivasvata and takes apparently the story of Vena. He says, God created king to save the people from Arājaka.<sup>1</sup> But he ignores the further tradition of the deposition of Vena of divine origin because he ruled unlawfully. The Mānava Code twists the import of the coronation ritual invoking the help of gods to the elected king in his new career.<sup>2</sup> The Code says that these gods come into the person of the king and he becomes a great Deity.<sup>3</sup> The king is not to be despised. I think the idea of such a theory was suggested by some discussion as the one in the Artha-Śāstra. A man in the pry of the Government was made to say

"King, it is the ruling authority (danda, i.e., executive authority in polity), it is the surety for the population"

"The king who properly employs it, prospers, but if he be selfish, abnormal and deceitful, Danda destroys him."—Danda is of great lustre, it cannot be

<sup>1</sup> Jayasval Tagore Law Lecture on Manu and the Arājaka, II.

<sup>2</sup> See Chs. XXXI XXXVI below

<sup>3</sup> *Mānava Dharma Śāstra* VII 14

सद्यं सर्वभूतानां गोप्ता धर्ममात्मजम् ।

महतेजोमय दण्डमसृजत्पूर्वमीश्वर ॥

<sup>4</sup> *Ibid* VII 17

स राजा पुह्यो दण्ड स नेता शासिता च स ।

चतुर्धांशाश्रमाणां च धर्मस्य प्रतिभुः स्मृत ॥

<sup>5</sup> *Ibid* VII 27

तं राजा प्रशयन्सम्यक्विगोष्ठाभिर्ब्रूते ।

कामात्मा विषम क्षुद्रो दण्डेनैव निहन्यते ॥

"held by despots. It strikes down the king who swerves from law, together with his relatives."

Thus the king is again brought under law; he is reduced to his human and contractual status. A higher origin to law was attributed. The king was aggregate of only portions of several gods, but Law-and-Sanction was produced by Brahmā himself and it was his own son. He came to rule over the king as over the whole world. It was the real sovereign and not the king. In fact the Mānava as a code went back to the old position :

"Only a king who is honest and true to his coronation Oath and follows the Śāstras, and rules with colleagues (ministers) could wield the Danda, not one who is despotic, greedy, stupid, and who rules personally."

He was not only expected to be true to his 'undertaking,' his contract, i.e., his Coronation Oath,<sup>3</sup> it was further enjoined on him that he should work with colleagues and should not rule personally. We shall see its significance when we survey the constitutional position of the Hindu Ministry.

§ 246. Divine theory of kingly origin and kingly right could have found soil in Hindu India if there had been no live interest and constitutional jealousy in the people to check such pernicious claims and notions. The

1 *Ibid*, 28

दण्डो हि समहतेजो दुर्धरावाहृतात्मभिः ।  
धर्मोद्विचलिते हन्ति शृपमेव सथान्धवम् ॥

2 *Ibid*, 30-31

सोऽसहायेन भूतेन सुगन्धेनाकृतबुद्धिना ।  
न शक्यो न्यायतो नेतुं सत्तेन विषयेषु च ॥ ३०  
शुचिना सत्यसन्धेन यथाशास्त्रानुमतिना ।  
दण्डः प्रययितुं शक्तः समहायेन धीमता ॥ ३१

3 On Satya Sandha we referring to 'Oath' of Artha Śāstra p. 312 Here it refers to the 'Oath', i.e. the oath of coronation.

## DIVINE ORIGIN OF KING

Hindu theory of kingship was not permitted to degenerate into a divine imposture and profane autocracy. Jugglery in the divine name of the Creator was not possible for the Hindu King as the race never allowed the craft of the Priest to be united in the office of the Ruler. The reason why the sceptre of Hindu sovereign never became the wand of magician, was that the matter of constitutional powers of the king, in fact, lay beyond the province of the ritualist and the priest. It lay in the hands of those 'through whose strength' the king had become 'mighty' or vested with the power. It lay in their Samiti in the early period. In later times it lay in the equally important machinery—the Puraṇa-d-Jānapada.

## CHAPTER XXVII

The Janapada or the Realm Assembly  
and  
The Paura or the Assembly of the Capital City  
(600 B C to 600 A C)

§ 217 Just about the time of the rise of large monarchies we find developed a popular institution of great constitutional importance. The period succeeding the Vedic, from the Mahā-Bhārata War down to the end of the Bṛhadārathy (700 B C)<sup>1</sup> —is characterised by states which were co-extensive with their respective nations and lands inhabited by them. We may call that period, the epoch of National States and National Monarchies. The Bhāratas,<sup>2</sup> and Pañchālas,<sup>3</sup> for instance, had their own national kings, and so had the Videhans, the nation called Aikshvākas<sup>4</sup> (Aita Bī to Patāñjali) had their own king. Earlier than 600 B C we find a tendency in Indian states to develop what we may call non-national, territorial monarchies. The national basis begins to give way to a propensity for encroachment by one national unit upon others, and of amalgamation. Large states arise which are no more national but merely territorial units. We find for instance the old Aikshvaka-

1 Jayasval *J B O R S*, Vol IV pp 16 35 260

2 Cf *Taittiriya Saṁhitā* of *Tajurveda* एष वो भरता राजा 1 8 10

3 *Pratītyakya Upanishad* VI 2

4 *Āita Br* VII 13 16 For full on Pāṇini IV 2 104

## THE JANAPADA AND THE PAURA

*janapada* transforming itself into *Kāśi-Kosala*,<sup>1</sup> and the *Magadha*-state comprised of the territories of *Magadha* and *Anga*.<sup>2</sup> The process develops very rapidly between 550 B. C. and 300 B. C. The ground for this had already been prepared philosophically. The Buddha, though a born republican, was ambitious to found a one-state empire of his religion.<sup>3</sup> The *Aitareya Brāhmaṇa* had preached for an empire extending up to the sea. The *Jātakas* are full of the ideal of an All-India Empire (*Sakala-Jambudīpe-ekarājyam*).

§ 218. In the period of large monarchies or empires, country became more important than the nation (*viśes* or *janā*). In fact, the term *janapada*, which literally and originally meant 'the seat of the nation' and which had been secondarily employed as denoting the nation itself, lost its old significance, and came to mean what we call to-day 'country' without reference to the racial elements inhabiting it. In the period of large monarchies we never hear of the *Samiti*. This, of course, is natural. The basis of the *Samiti* was the national unit, and the national unit now ceased to be a factor in matters constitutional.

<sup>1</sup> *Jaina Sūtra 'Āśhīkāya'*, see above PT I p. 54

<sup>2</sup> *Buddhist India*, pp. 21-25, *Jānasaṃbha Sutta* quoted by Oldenberg *Buddha* (Eng. trans.) p. 407 f. n. See काशीकीमूल्य as one unit in the *Gopatha Brāhmaṇa* II 9

<sup>3</sup> *Buddhist India* p. 24, *Gopatha Brāhmaṇa* II 9

<sup>4</sup> Probably not so much religion as philosophy. The difference between the two, as Hegel himself describes, was very slight. Ashoka certainly made it a religion and a world religion.

<sup>5</sup> See below, Ch. XXXVIII on Hindu Imperial Systems.

<sup>6</sup> See *Artis-Sūtra* p. 15 and footnote at p. 46 जनपदो देशः।

<sup>7</sup> *Jātakas* do not know anything about the *Samiti*. There were numerous occasions in the early history of the Buddhist Empire when the *Samiti* did actually exist. The *Dharmasūtra* also does not give any direct mention of the duties of king as to his relation with the *Samiti*. Nor does the *Mahābhārata* recall it.

§ 219. We, however, hear of another institution which probably was an incarnation of the old Samiti under changed circumstances.

Rise of the  
Janapada  
Assembly

The division of a kingdom in the period between 600 B. C. and 600 A. C. is made into 'the capital' and 'the country'.<sup>1</sup> The former is designated *Pura*<sup>2</sup> or *Nagara*<sup>3</sup> (the City) and occasionally *Durga*<sup>4</sup> (the Fort), and the latter is called *Janapada*, with synonyms in *Rāshṭra* and *Deśa*. The expression *Jānapada*, a derivative from *janapada*, we find occurring in the Pāli Canon, the Rāmāyana, the Mahā-Bhārata and other books, and in inscriptions. In our day, it has been taken to mean an inhabitant of *janapada*. Its use as a technical term has been missed. This is due to the fact that the term is generally found in the plural e. g. *jānapadāḥ* (जानपदाः) which has been translated as 'the people of the *Janapada*.' Modern writers have further made the mistake of regarding *Janapada* as a province which is against all ancient authority. It really means the whole area of a kingdom, minus the capital constitutionally.<sup>5</sup> The technical significance of the *Jānapada* as a collective institution has now been established by Khāravela's inscription of c 165 B. C.<sup>6</sup> Mediaeval commentators not knowing that there was a collective institution *Jānapada*, 'corrected' the singular form into the plural *Jānapadāḥ*. A

1 The Jātakas and Pāli Canon have *Janapada* and *Nigama*. *Nigama* as will be seen, is constitutionally identical with *Nagara*. The *Artha Śāstra* has *Janapada* and *Durga*, the Rāmāyana *Nagara* (also *Durga*), and *Janapada* (वने वत्स्याम्यह दुर्ग रामो राजा भविष्यति) II 79 12

2 पुरं मुख्यनगरम्। *Vīramitrodaya*, p. 11

3 Cf. *Artha Śāstra* p. 46 f. नगर राजधानी।

4 Cf. the modern *garh* ('fort') to denote the seat of the ruler, also German *schloss*.

5 *Artha Śāstra* pp. 45-6 n

6 *Jyauwal J. B. O. R. S.* (1917) III p. 438

very good example of this is verse 54 (ch. XIV) of the *Ayodhyā-kāṇḍa* of the *Rāmāyaṇa*.<sup>1</sup> King Daśaratha is sought to be intimated: "The Paura, the Jānapada, and "the Naigama are present respectfully waiting for Rāma's "consecration (as Crown-Prince)". The verb *upatishṭhati* ('is waiting') is in the singular and this requires the subjects in each case joined on by *cha* ('and', 'as well as') to be in the singular. But in the text only the *Naigama* (corporate association of guild-merchants of the capital) is kept in the singular and the word *Jānapada* has been altered into a plural nominative and plural instrumental.<sup>2</sup> The instrumental form is resorted to for a forced grammatical justification ('the Jānapadas with the Naigama'). The correct reading, in the nominative singular, *Jānapadaśca*, is still found in some MSS. But it is rejected by modern editors as incorrect.<sup>3</sup>

§250. The plural *jānapadāḥ* may equally denote 'the members of the jānapada-institution' as well as 'the people of janapada.' The plural form does not exclude the institutional significance. That there was such a body can be established if we find the term used in the singular, not in the sense of one man but in the collective sense, or if we find the plural *jānapadāḥ* in a collective sense. We have instances of both these uses. Moreover, we have evidence of the fact that *jānapadas* as bodies corporate had their own laws and those laws were recognised by the Dharma-Sāstras.

1 उपतिष्ठति रामस्य समग्रमभिपेक्षन्म् ।

पौरजानपदाश्चापि नैगमश्च कृताञ्जलिः ॥ II 14 54

Govindarāja in his comment on the variant उपतिष्ठति says उदोऽनुर्ध्वकर्मणि इत्यात्मनेपदम् । उपस्थितमित्यर्थः ।...उपतिष्ठतीति पाठान्तरम् । Four MSS gave the reading उपतिष्ठति in the Kumbakonam Edition.

2 पौरजानपदाश्चापि नैगमैश्च कृताञ्जलिः or कृतात्मभिः, variant reading in MSS. consulted in Kumbakonam edition

3 See the critical edition of the *Rāmāyaṇa* by Mevata Kṛṣṇaśastrya & Vyāsaśastrya I, p. 68 (MS "2"), which is really a valuable edition

There is the unquestionable evidence afforded by the Hāthigumphā inscription of Khāravela, which says that the king granted privileges to the *Jānapada* (in the singular, *Jānapadam*). The evidence of the Rāmāyaṇa referred to above is equally important. The *Jānapada* was waiting for the consecration of the King-Assistant. They, the *Jānapadas*, according to the Rāmāyaṇa, had already come to a unanimous decision in a joint conference with the *Paṇḍas* and others on the question of this proposed consecration. The resolution was : 'we desire this consecration'.<sup>1</sup>

In the *Mānava-Dharma-sāstra*,<sup>2</sup> the laws of caste (*Jāti*), of *Jānapada*, and guild (*Śreni*) are recognized. It is undoubted that the other

1 Rāmāyaṇa Ayodhyā Kāṇḍa ch. II, vs. 20-22

समेत्य ते मन्त्रयित्वा समतांगतदुदयः ।

ऊचुरथ भवता ज्ञात्वा वृद्धं दयस्यं नृपम् ॥

... ...  
स रामं युवराजानमभिविन्दन् पार्थिव ।

इच्छामो हि महाराहुं द्रुघुवीर महाबलम् ॥

See also Dasaratha's speech in reply

कथं नु मयि धर्मेण पृथिवीमनुपालति ।

भवन्तो द्रष्टुमिच्छन्ति युवराजं महाबलम् ॥

2 Manu, VIII 41,

जातिजानपदान्धर्ममाश्रयेयीधर्म्मोश्च धर्म्मवित् ।

समीक्ष्य कुलधर्म्मोश्च स्वधर्म्मं प्रतिपादयेत् ॥

3 *Śreni* literally means 'rows'. Evidently the members sat in rows, and this feature gave the name to the corporate body. Probably *Śreni* originally was a general term to signify all those bodies which transacted their business in their session or by assembly system. The Mahā-Bhārata in older passages gives *Śrenibaddhākūṭh rājānaḥ* or 'rulers organised in rows', e.g., *Sabhā Parva* XIV 4 (Kumbakonam Ed.),

राजानः श्रेयिषद्वाश्च तथान्ये क्षत्रिया भुवि ।

These may refer to republican rulers or to a military organization, the *Artha-Sāstra* having *Śreni* as a military division. In lawbooks, general literature, and inscriptions *Śreni* has acquired the technical meaning of guild.



two institutions of this group were corporate institutions. The Code of Yājñavalkya mentions jānapadas, ganas, śrenis and jātis (castes) as units who "also must be compelled to follow their own laws".<sup>1</sup> Mandlik with the true insight of the lawyer leaves the word *jānapadāh* untranslated and treats it as a technical term like the *gana* and *śreni*. These two *smṛiti* passages similarly mention another institution *Kula*. We have already seen that there was a *Kula* form of Government. To find out the identity of *Kula*, let us take parallel passages on the point from the *Artha-Śāstra*. In the chapter dealing with *samaya*<sup>2</sup> or resolutions of corporate institutions (p 173) Kautilya mentions the *samaya* of *Deśa-samgha*, *Jāti-samgha*, and *Kula-samgha*; i.e., of the county-corporate-association, of caste-corporate-association and the corporate association of a *Kula*. The *Kula-samgha* as we have seen<sup>3</sup> is a technical term of Hindu politics. It means a constitution where *Kula* or family rules, i.e., an aristocratic or oligarchic state. Again at page 407 *Deśa-samgha*, *Grāma-samgha* and *Jāti-samgha* are mentioned. The

1 *Yājñavalkya* I 360 and 361,

व्यवहारान्स्वयं धर्मेत्सम्यक्. परिवृत्तोऽन्वहम् ।  
कुलानि जाती. श्रेणीश्च गणान्जानपदानपि ॥ ३६०  
स्वधर्मांश्चलितान् राजा विनीय स्थापयेत्त्वयि ।  
ग्रामश्चेत्क्षिप्रशानान् च सङ्केत समयविधौ ॥

*Artha Śāstra* (Kautilya) I 173. See also I 174.

देवजातिकुलसमघानां समयस्यानपारम्भः ।

3 See § 67 above.

*Mānava-dharma-śāstra* deals with the 'breakers of *samayas*' (resolutions or laws of corporate assemblies) and mentions the *Grāma-saṃgha* and the *Deśa-saṃgha* which are paraphrased again as *Grāma-saṃūha*, *Jāti-saṃūha*, etc. *Deśa*, or the *Jānapada* association is also found in *Bṛihaspati*<sup>1</sup> where the laws of guild-merchant and the laws of *Deśa* are referred to together. In another verse<sup>2</sup> the resolutions of the 'town' and of the 'country' (*Deśa*), 'not being opposed to the laws of the king' are provided for. *Manu* (VIII. 41), instead of *Jāti-saṃgha* gives *Jāti* only, and instead of *Deśa-saṃgha*, mentions *Jānapada*. In VIII. 46, in the place of *Jānapada*, *Deśa* is substituted. By *Deśa* in such passages the

1 *Manu* VIII 218-221

अथ ऊर्ध्वं प्रवक्ष्यामि धर्म्मं समयभेदिनाम् ॥ १८

यो ग्रामदेशसङ्घानां कृत्वा सत्येन सविदम् ।

विसंवदेन्नरो सोभात्तं राष्ट्रद्विप्रवासयेत् ॥ १९

.. ..

एवं दण्डविधिं कुर्यादार्म्मिकः पृथिवीपतिः ।

ग्रामजातिसमूहेषु समयव्यभिचारिणाम् ॥ २१

2 देशस्थित्यानुमानेन नैगमानुभूतेषु वा ।

क्रियते निर्णयस्तत्र व्यवहारस्तु वाच्यते ॥

—Quoted in *Vīramitrodaya* p 120

3 ग्रामो देशश्च यत्कुर्यात्सत्यलेख्यं परस्परम् ।

राजाविरोधिधर्म्मार्थं संवित्पत्रं वदन्ति तत् ॥

—*Bṛihaspati* quoted in *Vīramitrodaya* p 189 See also *Yājñavalkya*

निजधर्म्मविरोधेन यस्तु सामयिको भवेत् ।

सोऽपि यत्नेन संरत्यो धर्म्मो राजकृतश्च यः ॥

association *Deśa samgha* or the *Jānapada* is obviously meant. Similarly, when a document registered by the *Deśa-adhyaksha* is termed by Vyāsa the law-giver a *Jānapada* document, the *adhyaksha* of *Deśa* is the President of the *Deśa* assembly or the *Jānapada*.<sup>1</sup> The above data prove that the *Jānapada* of Manu and Yājñavalkya and the *Deśa-samgha* of Manu and Kautilya are identical. The corporate association *Jānapada* or *Deśa-Samgha* as the name signifies, was a body for the whole country (except, as we shall presently see, the capital).

§ 251. The *Jānapada* yet has another synonym in *Rāshṭra*, which is found in later works. In the *Daśakumāra-charita* (Ch. 3), the president of the *Jānapada* is called *Janapada-mahattara* (Lord High President). Further on, the same person is called the *Rāshṭra-mukhya* or the Leader of the Realm (Assembly).

In a manuscript of Mitramiśra's unpublished commentary on Yājñavalkya<sup>3</sup> I find, in connection with the

<sup>1</sup> Aparārka (X, II 92) quotes the verses of Vyasa on the subject dealing with documentary evidence —

द्विविलिपिः स्वकृतेन स्वलेख्येन युक्तिभिः ।

कुर्यादि सद्य लेख्यं तस्माज् जानपदं शुभम् ॥

देवाध्यक्षादिना लेख्यं यत्र जानपदं कृतम् ॥

Vyāsa sees danger of successful denial in the case of a document written even in the hand-writing of the executant, for a cunning man may write several hands. A *Jānapada* document therefore, 'done' i.e. registered by the *Deśa* president or others (i.e. his officers as in the case of government registration by the officer of the king *Viśnu* VII 3 'राजाधिकृत्य तन्निपुणकायस्थकृतं तदध्यक्षकरचिह्नितं राजसाक्षितं') was a good proof (see § 269)

<sup>2</sup> Cf. *Hāmāyana* Bk II canto 83, v. 15 ग्रामघोषमहतराः । The Rama commentary has ग्रामे घोषे च वर्तमाना महतराः, Govin Laxya, महतराः प्रधानभूताः । [Ghoṣa according to Patañjali and Kātyāyana was a small township with corporate arms and seal Pt I, p. 44a]

<sup>3</sup> *Mitramiśra* on Yājñavalkya kindly lent to me by Mr. Govin Lalita of Benares.

subject of relief which could not be granted or suits which could not be entertained (*anādeya-yavahāra*), that a suitor who was hostile to the *Paura*, i.e., the City Assembly of the Capital (see below), or to the *Rāshtra* was not to be granted relief. The authority quoted is that of Brihaspati. A similar verse is given in the *Vīramitrodaya* (*Vyavahāra*) at page 11, where instead of *Paura*, the reading is *Pura*, capital. The expressions *Pura* and *Rāshtra* are explained by Mitra-Misra as *Paura-Jānapada*. *Rāshtra* here thus stands for the *Jānapada*-body as it does in the *Daśakumāra-charita*.

§ 252 Before dealing with the functions of the *Jānapada* it would be convenient to notice the corporate association of the Capital. The Capital  
 The *Paura* Assembly is a twin sister of the *Jānapada* in constitutional matters. The two are almost always mentioned together, and sometimes one stands for both.

*Paura* does not relate to all the towns in the kingdom as it has been translated by both Indians and Europeans. Earlier Hindu writers understood by the technical *Pura* and *Nagara*, 'the Capital.' *Paura* as a corporate body is mentioned in the singular like *Jānapada* in the inscription of *Khāṇṇa* (C 165 B. C.)<sup>1</sup> who granted privileges to the *Paura*. In the Corporate sense it is clearly mentioned again in the *Divyāvadāna* where *Kunāla* is supposed to have entered the *Paura* (used in singular, that is, the *Paura* assembly). *Tishya-śakṣitā* addressed her forged letter according to the *Divyāvadāna* to the *Pauras*, i.e., an organised body. The

<sup>1</sup> J.BORR., III 41.

<sup>2</sup> *Divyāvadāna*, I 410.

author of the *Vīramitodaya* definitely states that the Paura, which occurs along with corporate bodies in the law-books, was 'the body of the citizens of the capital'

Paura meant the Capital (§ 253) Samūha is a well-known constitutional term in Hindu Law Kātyāyana, for instance, defines pūga, which according to the accepted interpretation means a 'guild', as the 'samūha of merchants and others' Bṛhaspati, the lawyer, describes bodies already known to us to have been assembly-ruled organisations, e.g., pūga, gana, samgha, as samūhastha Vargas (§258) or 'bodies incorporated' Mitra-misra quotes a text based upon Bhṛgu which calls grāma, paura, gana, and siena, 'vargins' i.e. what Bṛhaspati has as 'samūhastha Vargas's' [grāma here is not the village but the Village Association as Chandesvara the lawyer of Mithilā defines *Gṛāmo grāma-vasisamūhah*, p. 179] Chandesvara explains samūhasthah by 'militah', 'combined' Kātyāyana speaks of separate laws of the samūhas Samūha which ordinarily means a collection has, thus, a technical, constitutional sense—in organized body'

1 पौर पुरवासिना समूहः । । V । 11

2 समूहः षण्णिजादीनां पूरा सप्रकीर्तितः । Cited by Chāṇakya *Vivada* I p. 600

3 That is the *senā* of the Janapada or Bilita: आर्हतसैन्यताना तु समूहः सङ्ग उच्यते ।  
Auyasam VI 119

4 गणपापशुद्धपूगान्च प्राताम्च श्रेण्यस्तथा ।

समूहस्थान्च ये चान्ये वर्गाद्यास्ते वृद्धस्पति ॥ B d

5 ग्रामपौरगणश्च शपथविविधाश्च वर्गिणः । V (Vivada) 11

6 IR 63 (समूहस्यामिलिता)

7 समूहानां तु यो धर्मस्तेन धर्मयः तसदा । B d 120

8 Cf. Mitra-misra's comment on another corporate body (*Senā*) मिलितो जनसंघः

in *loc. cit.* of *M. N.* I V p. 11

9 Nyāyavalkya prescribes for punishing those who act contrary to the decision of the

samūha well-wishers B I I 129

Kātyāyana provides for a dispute between samūha and its ruler AP. 161

Amarā and Kūtya, lexicographers, in giving the meanings of *Prakṛiti* say that the term means amongst others, the *Pauras*, i.e., 'the Associations (*Śrenayāḥ*) of the *Pauras*.'<sup>1</sup>

In the *Rāmāyana*, the *Paura-Jānapada* body is appealed to by Bharata when Rāma refuses to go back to Ayodhyā :—

"What do you order his Highness".<sup>2</sup>  
The body approves of the argument of Rāma, and in reply Bharata speaks, addressing them :—

'Hear, please, you my assemblies'.<sup>3</sup>  
The assembly character thus was prominent.

§253. The *Paura* was a communal association in which was vested the municipal administration of the Capital.<sup>4</sup>

Apart from its municipal work it exercised great constitutional powers. Let us first take the Municipal administration of the *Paura*.

1 अमात्याश्चापि पौराश्च सद्भिः प्रकृतयः स्मृताः । *Kūtya* quoted by Kshatrasvāmīn on *Amarā* II 8 18 । राज्याङ्गानि प्रकृतयः पौराणां श्रेयोदोषि च । *Trivandrum Sanskrit Series* no 51 p 66

2 आसीनस्त्वेव भरतः पौरजानपथं जनम् ।

उद्योच सर्वतः प्रेक्ष्य किमर्थं अनुशासथ ॥ R. A. K., III 19

3 शृण्वन्तु मे परिषदः मन्त्रिण्यः शृणुयुस्तथा । *Ibid* 24

4 Cf मन्दौत्सव्योऽस्मि नगरगमनं प्रति, *Sakuntalā* Act II पुरं मुख्यनगरम्—*Vivamitrodāya* p 11. The term for ordinary town or township is ग्राम e.g. ग्रामपौरगण्य-श्रेयश्चातुर्विधश्च वर्गिण्यः । *Ibid* The *Artha Śāstra* uses the word नगर and दुर्ग for the capital, and ग्राम for ordinary town Pāṇini and Patañjali use नगर and पुर for capital and ग्राम for ordinary town Cf Pāṇini VII 3 14 and *Mañikā* on that, also VI. 2 100, Patañjali, on the use of ग्राम for town, शाकल नाम बाह्यीकग्रामः on Pāṇini IV 2 104 Śākala which was the old capital of the Madras ceased to be a नगर or capital under Pushyamitra. It is probably for that reason called ग्राम, an ordinary town.

It was presided over by a leading citizen generally a merchant or a banker. The Hindu Mayor was called *Śreṣṭhīn* or the President. According to the *Rāmāyana*, the Paura as well as the Jānapada consisted of two sections, the Inner and the Outer bodies. The Inner must have been the executive council which sat permanently. We hear often of the Paura and the *Nagara-Vṛiddhas*, or the Elders of the Paura. On the analogy of other popular institutions of the country we can say that the Paura-Vṛiddhas constituted a Council of Elders which was probably identical with the Inner body of the *Rāmāyana*. An exception is made in the *Dharma-Sūtras* to the general rule of etiquette in the case of a Paura ex-member of the Śūdra caste who is entitled

See also *Artha Śāstra* p. 46 in नगर राजधानी. The commentator commenting on the *nāgarīkām* in *Vātsyāyana's Kāma Sūtra* (Bk. II ch. 3) says

नागरिका इति पाटलिपुत्रिकाः ।

On *Durga* as equivalent of *Pura* of Narada—संज्ञोत्समयं राजा दुर्गे जनपदे तथा,

*Vṛatavāda*, p. 423 नगर in Asoka's inscriptions means a provincial capital as well. Manu vii 29 divides the kingdom into दुर्ग and राष्ट्र

ततो दुर्ग च राष्ट्र च लोकञ्च सचराचरम् ।

For दुर्ग and पुर as capital see Manu VII 70

धन्वदुर्ग महोदुर्गमदुर्ग वार्त्तमेव वा ।

दुर्ग गिरिदुर्ग वा समाधित्य वसेत्पुरम् ॥

• 1 • प्रायस्ते जनः सर्वे राष्ट्रे पुरवरे तथा ।

आम्यन्तराद्य बाह्याश्च पौरजनपदो जनः ॥ (AB)

The whole nation in the *Ellāhira* as well as in the best of capitals praises him likewise the *Paura-Jānapada* body—both the Inner and the Outer—raise him "It should be noticed that the *Paura-Jānapada* is taken as distinct from the people in the realm and the capital. The two bodies Inner and Outer are mentioned in the *Mahābhārata* also. See below ch. on taxation for *jana* in the collective sense as for use in Asoka's inscriptions. VII जनं पश्यतु—the body of the men in the Dharma Service (Department).

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1 अमास्याच्चापि पौरास्व सन्निः प्रकृतयः स्मृतः। Kātya. quoted by Keshinavāmin on Amara II 8 18 राज्याङ्गानि प्रकृतयः पौराणां श्रेणयोऽपि च। Trivandrum Sanskrit Series no. 51 p. 66

2 आसीनस्त्वेव भरतः पौरजानपदं जनम्।

उवाच सर्वतः प्रेक्ष्य किमार्यं अनुशासथ ॥ R A K., III. 19

3 शृण्वन्तु मे परिषदः सन्निव्रणः शृणुयुस्तथा। Ibid., 21

4 Cf मन्दौत्सुक्योऽस्मि नगरगमनं प्रति, Śakuntalā Act II पुरं मुख्यनगरम्—*Pratimrodaya* p. 11. The term for ordinary town or township is ग्राम e.g. ग्रामपौराण्य-श्रेण्यञ्चानुविधाय च वर्णिष्यः। Ibid The *Artha Śāstra* uses the word नगर and दुर्ग for the capital, and ग्राम for ordinary town. Pāṇini and Patañjali use नगर and पुर for capital, and ग्राम for ordinary town Cf Pāṇini VII. 3 14 and Kāśikā on that, also VI. 2 100, Patañjali, on the use of ग्राम for town, शाकल नाम बाह्योक्तग्रामः on Pāṇini IV 2 104 Śākala which was the old capital of the Malins ceased to be a नगर or capital under Pushyamitra. It is probably for that reason called ग्राम, an ordinary town



It was presided over by a leading citizen generally a merchant or a banker. The Hindu Mayor was called *Śreṣṭhīn* or the President. According to the *Rāmāyana*, the Paura as well as the Jānapada consisted of two sections, the Inner and the Outer bodies. The Inner must have been the executive council which sat permanently. We hear often of the Paura and the *Nagara-Vṛiddhas*, or the Elders of the Paura. On the analogy of other popular institutions of the country we can say that the Paura-Vṛiddhas constituted a Council of Elders which was probably identical with the Inner body of the Rāmāyana. An exception is made in the Dharma-Sūtras to the general rule of etiquette in the case of a Paura ex-member of the Śūdra caste who is entitled

See also *Artha Śāstra*, p. 46 in *मगरं राजधानी*. The commentator commenting on the *nāgarikūḥ* in Vātsyāyana's *Kāma Sūtra* (Bk II ch. 5) says

नागरिका इति पाटलिपुत्रिकाः ।

On *Durga* as equivalent of *Pura* cf. Narula—संक्षेपेऽसमय राजा दुर्गे जनपदे तथा, *Vīramitrodaya*, p. 425 मगर in Aśoka's inscriptions means a provincial capital as well. Manu, vii 29 divides the kingdom into दुर्ग and राष्ट्र

सतो दुर्ग च राष्ट्रं च लोकञ्च सचराचरम् ।

For दुर्ग and पुर as capital see Manu VII 70

धन्यदुर्गं महौदुर्गमन्दुर्गं वास्तमिव वा ।

वृद्धा गिरिदुर्गं वा समाश्रित्य वसेत्पुरम् ॥

1 . . . अग्रांसते जनः सर्वो राष्ट्रे पुरवरे तथा ।

आभ्यन्तराच्च बाह्यञ्च पौरजनपदो जनः ॥ (Ak)

The whole nation in the Rashtra as well as in the host of capitals praises him, 'likewise the Paura-Jānapada body—both the Inner and the Outer—praise him.' It should be noticed that the Paura-Jānapada is taken as distinct from the people in the realm and the capital. The two bodies Inner and Outer are mentioned in the Mahābhārata also. See below ch. on taxation for *jana* in the collective sense, see its use in Aśoka's inscriptions Pillar series VII जन धन्यवृत्—'the body of the man in the Dharma-Sūtra (Department).

to special respect even from a Brahmin. This shows that the Paura had a real popular basis representing even the lowest interest.

§251. The Paura had a Registrar and a document given by him was regarded as a superior kind of evidence.<sup>2</sup> The Registrar's document was the chief of the *laukika lekhyas* or popular documents as opposed to *rājākīya* or government documents. This shows that Paura was not a body appointed by the king.

The non-political functions of the Paura which are mentioned in the law books are these :

(a) Administration of Estates: They were authorised by the king to administer, along with government officers, property left by a deceased person<sup>3</sup> (Vasishtha XVI. 20 ).

1 *Gautama Dharma Sūtra (Sūtra)* VI. 9.11.

A Brahmin who ordinarily is never expected to do any honour to a *Sūdra* has to get up when a *Sūdra* who is an ex member of the Paura came though he be below eighty. Further, *Sūtra* 15 lays down an exception with regard to etiquette between Pauras. Even if the difference in age were of ten years fellow-Pauras were to treat each other as if born on the same day (14-15)

श्वत्किञ्चशुषित्व्यमातुलानां तु यवीयसां प्रत्युत्थानं नाभिरावाः ॥ ६ ॥

तथान्यः पूर्वः पौरोऽशीतिः कावरः शूद्रोऽप्यपत्यसमेन ॥ १० ॥

श्वरोऽप्यार्यः शूद्रेण ॥ ११ ॥

नाम चास्य वजयेत् ॥ १२ ॥

भो भवन्निति वयस्यः ममानेऽहनि जातः ॥ १४ ॥

दयवर्षद्वयः पौरः ॥ १५ ॥

2 *Vasishtha* edition by Fuchrer p 84

चिरकं नाम लिखितं पुराणैः पौरलेखकैः ।

Also *Vasishtha* VII 2, (f. the survival in Bengal family title *Pura-Kayastha*.)

3 *Vasishtha Dharma Sūtra (Sūtra)* XVI. 19-20

प्रहीणद्रव्याणि राजगामोनि भवन्ति ॥ १६ ॥

ततोऽन्यथा राजा मन्त्रिभिः सह नगरैश्च कषय्याणि कुर्यात् ॥ २० ॥

तथानाथदरिद्राणां सस्कारो यजनक्रिया । *Prithivati Viramitodaya* p 422,

यास्तद्रव्यं ग्रामवृद्धा वर्षेयपुराण्यवहारप्रापयात् देवद्रव्यञ्च । Elders of the township should increase property of minors till they attain capacity at law. They should do the same with regard to the property of gods.—*Artha Sūtra*, p. 48

(b) Works which contributed to the material strength of the citizens (called Paushtika works) were done by them, and likewise,

(c) Works which ensured the peace of the city (sāntika), i.e., policing the town. These two classes of work are qualified as being either 'ordinary', 'extra-ordinary', or 'discretionary'

(d) Judicial work, which must have been limited to the matter of municipal administration. Criminal authority proper, i.e., in cases of the Sāhasa<sup>3</sup> (Violence) class, is expressly excepted from the jurisdiction of the Paura Court. According to an authority quoted by Mitra Misra, probably Bhṛigu, as well as others, the Paura Court was an institution recognised by the king

(e) Charge of sacred and public places. The Paura, like any township, looked after temples and other sacred places of the Capital. They did repairs to those buildings. The buildings named are sabha, pīṭh (place for distribution of water), tāṭhā (public baths), āśāma (rest-houses), and devīgrāha (temples).<sup>4</sup>

1 नित्यं नेमित्तिकं काम्यं शान्तिकं पौष्टिकं तथा ।

पौराणां वर्मकुर्व्युस्ते मदिर्ये निर्याय तथा ॥

—Bṛāhmiṇi Iśaśāstra 2.1.4

चाष्टचौरभये वाधा सर्वसाधारणा स्मृता ।

तयोपगमनं कार्यं सर्वेतेकेन केनचित् ॥ ॥ १

—Sūtra 6. मदिर्ये निर्णयं तथा ।

2 ग्रामपौरगणश्चैव व्यवसायविशेषश्च वर्गिणः ।

कुलानि कुलिकाश्चैव नियुक्ता नृपतिस्तथा ॥

—Bṛāhmiṇi Iśaśāstra 2.1.11

3 साहसन्वायवजानि कुर्युः काम्याणि ते नृणां ।

—Bṛāhmiṇi Iśaśāstra 2.1.4

4 धर्मकार्यमपि रुभूय कार्यमित्युक्तं तेनैव—

सभाप्रपादिवगृहहताहारामसंस्थिति ॥

—Bṛāhmiṇi Iśaśāstra 2.1.4

—Bṛāhmiṇi Iśaśāstra 2.1.4

§256. I propose to identify the description of the municipal government noticed by Megasthenes at Pāṭaliputra, with the Paura organisation of Hindu India. Strabo<sup>1</sup> after giving the description of Pāṭaliputra describes its administration. The most important point to mark in that is the phrase 'the City Magistrates' which in the mouth of a Greek will signify popular officers and not officers appointed by the king. The royal officer, Governor of the City, the 'Nāgaraka', as described in the Artha-Śāstra was distinct. These 'city magistrates' had six boards of five members each who looked after

(a) industrial matters of the city,

(b) foreigners in the city on whose death they administered their properties (forwarded them to their relatives),<sup>2</sup>

(c) registration of births and deaths in the city,

(d) trade and commerce and manufactures of the city and collection of municipal duty on the sale of articles. "Such are the functions which these bodies separately discharged. In their collective capacity they have charge both of their special departments and also of matters affecting the general interests, as the keeping of public buildings in repairs, regulation of prices, the care of markets, harbours and temples"

1 Strabo, lib. XV 60 (410) Compare the 'magistrates of self governed cities as opposed to royal officers in Arrian XII

2 A scholar who does not take so much notice of Hindu authorities as he draws on analogies and comparisons has misunderstood this Paura jurisdiction of the Maurya capital as a consular department borrowed from Persia.

It should be noticed that the Paura administered estates in co-operation with the ministry according to Vaṁśhtha (XVI 20).

§257. The 'city magistrates' of Strabo are the Paura-mukhyas or the Paura-vṛiddhas. The boards of five and the full board of the thirty disclose the same arrangement as the quorums of three, five, ten, twenty and upwards in the Parishads of Law, the Buddhist Saṃgha, and the pañchaka, daśaka and viṃśaka saṃghas of Patañjali.<sup>1</sup> Brihaspati also enjoins committees of five in corporate associations.<sup>2</sup> In the Buddhist Saṃgha certain matters could be discussed by small quorums. But matters of greater importance could be discussed and decided by quorums of twenty and upwards only.<sup>3</sup> In the description of the Paura of Pāṭaliputra we see that the council decides matters of general interest by the bigger quorum. This collective council of the 'city magistrates' corresponds to what the Rāmāyaṇa calls the Inner Body of the Paura. The Outer, the general body, must have been composed of a fairly large number, when the Inner alone had thirty members.

§258. Grāma or Township is called a *vargin* as seen above. Varga means an assembly or quorum. In that sense

Varga Pāṇini also uses it (V. 1: 60.) [ See Kāśikā on it : पञ्चको वर्गः दशको वर्गः ]. Other corporate associations are called *Vargins* ( those who worked by the *Varga* or assembly system ). In a law text ( Bhrigu ) quoted by Mitra Miśra ( *Viramitrodaya* p. 11 ) *Paura* and *grāma* as well as *gana* are called *vargins* [Cf. Kātyāyana quoted by Nilakantha :

<sup>1</sup> Patañjali on Tāntri V 1 58 and 59

<sup>2</sup> द्वौ त्रयः पञ्च वा काव्याः समूहसमादिनः ।

कर्त्तव्य वचनं तेषां ग्रामध्वंशिकादिभिः ॥

— *Viramitrodaya* p 427

<sup>3</sup> *Mahācaryā*, IX. 4 1 पञ्च संघा । चतुस्रगो भिक्षुसंघो पञ्चवर्गो भिक्षुसंघो दसवर्गो भिक्षुसंघो बीसतिवर्गो भिक्षुसंघो अतिरिक्तबीसतिवर्गो भिक्षुसंघो. See also IX 9 5 etc.

लिङ्गिनः श्रेणिपूमाश्च वणिज्जातास्तथापरे ।

समूहस्याश्च ये चान्ये वर्गस्तानब्रवीद्भृगुः ॥ ]

The vargas of Vāsudeva and Akṛūa are mentioned in the Mahābhāṣya, IV. 2. 2. Varga in the corporate sense is employed by Gautama in his Dharma Sāstra, Chapter XI, Sūtras 20—21 :

देशजातिकुलधर्माश्चान्नायैरविरुद्धाः प्रमाणम् ।

कषैक-वणिक्-पशुपाल-कुसीदि-कारयः स्वे स्वे वर्गे ॥

"The laws of the cultivators, merchants, cattle-breeders, "bankers and artizans should be authority in their own "corporations." It should be noted that cultivators had their own unions in the days of Gautama.

§ 259. The P a u r a, according to the Artha-Sāstra (p. 89), had gold coins minted at the royal mint. This might have been a constitutional function as exercising check on the royal minting of improper coins or it might have been a purely economic function. Very likely it was the latter.<sup>1</sup>

The Pura or capital had the Association of the City Merchants which was called the N a i g a m a.<sup>2</sup> This name was exclusively employed to the Guild of the City Merchants. It is wrong to take it, as it has been done up to this time, as a general term for Guild Merchants.

1 Up to recent decades the custom of getting coins minted by merchants was current in this country.

2 नैगमाः पौरयण्डि, Mitra-Misra *Tīrasmṛedya*, p. 120, also नगराणि कर्तव्यतानि निगमयण्डि स्थानानि *Prasna-Jyōtarana Sūtra-Jyōkhyāna* quoted by Sharma Bhasya *Artha Sūtra* p. 46 f n The lawgivers put *naigama* in the list of corporate bodies, e.g.,

पापयद् नैगम श्रेणि पूम प्रात गणादिषु, *Mitra* quoted in *VB* p. 120

अथि नैगम पापयद् गणानामप्यय विधिः *Yājñavalkya (Ibid.)* p. 173.

*Udhamak* for a u s t i P 111 and 112 for religious associations their groups of

The general term is Śrenī as well as Pūga, the difference between the two being not very clear.<sup>1</sup> Now it appears that originally the Naigama of the capital was the mother of the Paura Association. The Paura grew out or around the Naigama (§ 261). In the Jātakas and Pāli Canon Naigama (Negama) stands for 'Paura.'<sup>2</sup> Modern translators have translated it by 'town'. It really refers to 'the town' or Capital. Hindu commentators on law books equate Naigama with Paura.<sup>3</sup> In the Pāli books Naigama comes with Jānapada as in Sanskrit books Paura comes with Jānapada. The connection between the City guild of merchants and the City Corporation was so intimate that both came to be regarded as identical. This is the reason why the mercantile interest is predominant in the Paura.<sup>4</sup> The Rāmāyana mentions the Naigama always with the Paura and treats them as connected though distinct.<sup>5</sup> The Naigama had its assembly hall and office—sabhā, where it held its meetings as the Paura-Jānapadas held theirs in their sabhās and on their squares.<sup>6</sup> We find a donor, a nobleman, recording at the Naigama-Sabhā his investments with certain guilds, śrenis, of the town Govardhana, the interest to go to certain charities in perpetuity. M. Senart translates the passage in question thus—"all this has been proclaimed (and) registered at

1 Unskilled artisans were combined as *Frūta*. See Patañjali on *Panini* I 2 21

2 *Jitaka*, Vol. I p. 149 सर्वे नेगमजानपदे; *Kāśīkanta Sutta Dighanikāy*, para 12, नेगमा च एव जानपदा च ते भवं राजा ग्रामन्तयत ।

3 Chandelśram, *IR* pp. 177, 180 नेगमाः पौराः, नेगमः पौरसमूहः ।

4 Cf. *Śreshtham* who is always a rich merchant. See below on the composition of the Paura

5 *Rāmāyana*, I K. 127-16

6 गुणैः समुदितान् दृष्ट्वा पौराः पायदुसतांस्तदा ।

... ..  
अथयन्ति स्म सम्भूय दत्त्वेषु सभासु च ॥

— *Māhātmya Purāṇa* quoted in Mitra *Māhātmya* I *MR*, p. 40

"the town's hall, at the record office, according to custom".<sup>1</sup> Naigama thus was connected with, and probably over, the Śrenis or guilds of the City.

§ 260. The Paura being so pronouncedly mercantile, their getting coins minted at the royal mint we can take as an economic measure. The 'N e g a m a c o i n s' which are 'N e g a m a c o i n s' interpreted as coins struck by guilds, are, I think, to be interpreted as coins struck at the capital by the state for the association of the City Merchants or the Paura.<sup>2</sup> And the coins bearing the name of chief towns, e.g. Ujeniya,<sup>3</sup> can be thus explained as being Paura coins.<sup>4</sup>

§ 261. The literal significance of N i g a m a, from which Naigama is derived, is in accordance with Pāṇini, III. 3. 119, 'the place (or house) where into people resort.' It would have been the meeting-place or the bourse in the Capital where merchants and tradesmen in the Capital met. The body of the people associated with the N i g a m a, the bourse or the guildhall, were called N a i g a m a.

1 Nash cave inscription, F 7, III, 82. Text —

"गोवर्धन वायवाद्ये श्रेष्ठि कोलीकनिकाये २००० वृष्टि पदिमस्त...पुत च सर्वं स्थावित निगम-समाय नियम च फलस्वारे चरित्रतोति ।" *Charitra* was recorded in books. See A.S., II, 23, p. 62. *Charitra* may mean 'as *Charitra* was recorded'. *Śrīrīta* according to law books would mean 'attested'. The transaction was 'attested' at the Nigama Sabha, i.e. by registration. Hindu method of attestation included both 'witnessing' and 'bearing'.

2 Cf. *Artha-śāstra*, p. 89, शौचार्थिकः पौरजनपदानां रूप्यसवर्णमादेगनिभिः कारयेत् ।

3 Cunningham A. S. R., Vol XIV, p. 148.

4 The *Dyaka* coin bearing the word निगम (Cunningham, *Coins of Ancient India*, p. 64, pl. III) would signify that the name of the capital was *Dyaka*. See also the Kan coin (A. S. R. Vol XIV p. 148, p. 1, Z. pp. 92-102).



## CHAPTER ■ XXVIII

### Political Functions of

#### The Janapada and the Paura

§ 262. The Jānapada appears to have been concerned with matters mainly constitutional and political. All the references to their work are to such business, with one or two exceptions, e. g., that they got gold coins minted by the royal mint-master.<sup>1</sup>

This seems to have been a business of economic nature. Apparently they had to judge as to the number of coins necessary in the country for the purposes of exchange, and probably they exercised some sort of supervision as to weight and purity of the coins, as debasement of coinage by government is found recorded once or twice as a matter of public complaint.

§ 263. In all constitutional matters we find the Paura always appearing with Jānapada. The Paura had thus a double character, as a local self-administration of the capital and a constitutional assembly. The latter function they sometimes discharged, as we shall see, by themselves, especially in provincial capitals. Matters of importance were discussed and decided in a joint parliament of the two bodies, the Jānapada and the Paura. Their unity then is so complete that the two bodies are regarded as one and referred to as one in the singular. The unity was effected owing to the fact that Jānapada had its meeting place and office at the capital itself.<sup>2</sup>

<sup>1</sup> *Artha-Sūtra*, II. 14; 32.

<sup>2</sup> See reference in the *Arthashastra* discussed below § 264, and other references indicating their location at capital.

§ 261 Let us take examples of the business they used to transact. The Pauras and the Jānapadas meet together along with Brahmins and other leaders of the nation to resolve upon the appointment of a Yuvarāja or king-assistant.<sup>1</sup> They after their deliberations ask the king to consecrate the prince whom, they say, "we want."<sup>2</sup>

1 *Rāmāyana Aṅgīthyā Kāṇḍa*, II, 19-22.

भाक्षणा जनमुल्याश्च पौरजानपदैः सह ।

समेत्य मन्तूयित्वा तु समतांगतबुद्धयः ॥

ऊचुश्च मनसा ज्ञात्वा वृद्धं दगरथ ऋषम् ।

म राम युवराजानमभिविन्ध्वच्च पार्थिव ॥

इच्छामो हि महाबाहुं रघुरीर महाबलम् ।

2 *Ibid* 26-31

ते तमूचुर्महात्मान पौरजानपदैः सह ।

बहवो नृप कल्याणा गुणाः पुत्रस्य मन्ति ते ।

...

इज्जवाकुभ्योऽपि सर्वेभ्यो ह्यतिरिक्तो विशांपते ।

... ... वभूव भरताग्रजः ।

... ..

यदा व्रजति सश्राम ग्रामार्थे नगरस्य वा ।

गन्ता सौमित्रिमहितो नाविजित्य निवर्त्तते ॥

पौरान्स्वजनगन्नित्य कुशल परिपृच्छति ।

... ..

उन्मयेषु च सर्वेषु पितेन परितुष्यति ।

प्रजापालनतत्त्वज्ञो न रागोपहतेन्द्रिय ।

ग्राहसने जनं सर्वो राष्ट्रं पुरस्ते तथा ।

आभ्यन्तरञ्च बाह्यञ्च पौरजानपदो जन ॥ (Kumbh)

For *Jāna* in the collective sense of a body compare Aśoka's जनं धम्मयुतं (Pillar series VII)

The age of the present Rāmāyana should be studied in Jacobi's critical paper on Rāmāyana (Dās Rāmāyana). It seems that the original edition was composed about 500 B.C. and the revision took place circa 200 B.C. (*JACOB*, IV 234)

The king is somewhat surprised and asks : "As you desire the Rāghava prince to become protector, a doubt has arisen in my mind which please remove. O you rulers (Rājānāḥ, 'kings'), although I am ruling this country in accordance with law, yet how is it, you gentlemen want to see my son appointed as king-assistant, with high powers?" The spokesmen with the members of the Paura-Jānapada give their reasons. They say that Rāma was the best of the Ikshvākus on merit ; that he was born before Bharata ; that he was brave ; that he always enquired after the well-being of the Pauras ; that he took a leading part in the festivities ; that he knew the principles of government, etc. ; that the country desired him as its lord ; and in fine, that not only the people of the kingdom and the capital, but also the Paura-Jānapada, both their Inner and Outer bodies, admire the Prince. The king is satisfied with the proposal that they desired to have his eldest son in the office of the Yuvarāja. When the king promises that the desire would be carried out, his reply is acclaimed.<sup>1</sup> And then he makes a speech by which he gives directions to carry out the resolution. This being done, the Pauras who had advised

<sup>1</sup> *Rām.*, Canto III, verses 2-5

अहोऽस्मि परमप्रीतः प्रसादयन्वातुलो मम ।  
यन्मे ज्येष्ठं प्रियं पुत्रं यौवराज्यस्थमिच्छाम्य ॥  
... ..  
यौवराज्याय रामस्य सर्वमिदोपकल्पयताम् ।  
राजस्तुपते वास्ये जनपदो महागभूत ॥  
अनेस्तस्मिन्प्रगान्ते च जनपदे गराधिपः ॥  
... ..

"the king, departed being greatly satisfied." Here it is evident that the expression 'Pauras' stands for both the Pauras and the Jānapadas.

§265. The Paura-Jānapada as one body again wait to take part in the Abhisheka (consecration)

They take part in  
Abhisheka  
as People's  
Representatives  
They can  
prevent  
Succession

ceremony.<sup>1</sup> Although the whole body was taken to be present, only the Chiefs or 'Presidents' of the sections were in fact present in person.<sup>2</sup> We find only the Vriddhas of the

whole of Pañchāla country taking part in the ceremony at Kānyakubja, as Dharma-Pāla's copper-plate records<sup>3</sup>. It is to the ladies of the Chiefs of the Śrenis that the king offers salutation after the coronation ceremony.<sup>4</sup>

In other royal ceremonies also, the Aldermen of the Paura, Paura-Vriddhas, take part.<sup>5</sup>

Likewise the Paura-Jānapadas could interfere with succession and prevent an undesirable prince from coming to the throne.<sup>7</sup>

1 Ibid verse 49,

ते चापि पौरा नृपतेर्वचस्तच्छ्रुत्वा तदा लाभमिष्टमाशु ।  
नरेन्द्रमामन्त्रा गृहाणि गत्वा देवान्समानर्चुर्मभिप्रहृष्टाः ॥

Ibid IV 1,

गतेष्वथ नृपो भूयः पौरेषु सह मन्त्रिभिः ।  
भन्तृयित्वा ततरचक्रे निश्चयज्ञः स निश्चयम् ॥

2 Ibid Canto XIV, verse 52,

उपतिष्ठति रामस्य समग्रमभिषेचनम् ।  
पौरजानपदाच्चापि मेगमश्च वृत्ताञ्जलिः ॥

3 Ibid, verse 40,

पौरजानपदश्चेष्टा नैगमाश्च गणैः सह ।

4 EI, IV., p 248

5 I' M R, 114.

6 Ibid p 417. In Deva-yātrā, ततोर्चास्त्रपनम्यान्ते पौरेवृद्धपुरसरेः ।

7 M Dh, Ud Cb 149, 22 23

§ 266 The revolution enacted in the *Mricchhakatika* throws light on another aspect of the constitutional power of the Pauras.<sup>1</sup> The reigning king is deposed because of bad administration of law, of which the president of the commercial union had been a victim.<sup>2</sup> The brother of the deposed king who 'established confidence' among the Pauras<sup>3</sup> obtained sovereignty. The messenger comes to the *Janapada-Samāvāya*, 'corporate association of the *Janapada*' with the news of the revolution,<sup>4</sup> who are shortly after addressed as the *Pauras* and called upon to punish *Samsthānaka*. According to the *Mahā-Vamsa* the Ceylonese chronicle, the *Paura* in India could depose and banish the king for illegal acts, and they, mindful of the good of all, could choose another in his place outside the dynasty, by deciding upon it in their meeting.<sup>5</sup> Here again the *Pauras* apparently stand for both the *Pauras* and *Jānapūdas*. In the *Dasa-kumārī-charita*<sup>6</sup> the *Pauras* and the *Jānapūdas* are said to be friendly to the brothers of the king, it is therefore feared by the speaker that they are bound to succeed the king if the latter dies.

1 See *Trial of Charulata* translated in C. W. N. xvi p. ii

सायवाह्नितयदत्तस्य दत्ता मामरदत्तस्य सत्यः । १ । १५ ( द्वाया ।

पौरा समाधाय ।

2 *Mricchhakatika* Act V See also पौरा वायादेव । किं क्षिप्रं वादकी जीवयोयदि । which shows that the *Pauras* were present at the place where *Charulata* and *Samsthānaka* were staying and where the *Jānapūdas* were present.

3 Cf. *Mricchhakatika* Act V 15

4 Cf. *Chapter III*

अनुता, पुनः अतिवदनं तैरपि यज्जो पौराणां पदा ।

"the king, departed being greatly satisfied." Here it is evident that the expression 'Pauras' stands for both the Pauras and the Jānapadas.

§265. The Paura-Jānapada as one body again wait to take part in the Abhisheka (consecration) ceremony.<sup>3</sup> Although the whole body was taken to be present, only the Chiefs or 'Presidents' of the sections were in fact present in person.<sup>4</sup> We find only the Vriddhas of the whole of Pāñchāla country taking part in the ceremony at Kānyakubja, as Dharma-Pāla's copper-plate records.<sup>5</sup> It is to the ladies of the Chiefs of the Śrenis that the king offers salutation after the coronation ceremony.<sup>6</sup>

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Likewise the Paura-Jānapadas could interfere with succession and prevent an undesirable prince from coming to the throne.<sup>8</sup>

1 *Ibid* verse 49,

ते चापि पौरा नृपतेर्वचस्तच्छ्रुत्वा तदा लाभमिच्छमागु ।  
नरेन्द्रमामन्त्र्य गृहाणि गत्वा देवान्समानर्चुरभिप्रदृष्टाः ॥

*Ibid* IV 1,

गतेष्वथ नृपो भूयः पौरेषु सह मन्त्रिभिः ।  
मन्त्रयित्वा तत्प्रचक्रे निरचयज्ञः स निश्चयम् ॥

2 *Ibid* Canto XIV, verse 52,

उपतिष्ठति रामस्य समग्रमभिषेचनम् ।  
पौरजानपदाश्चापि नैगमश्च कृताञ्जलिः ॥

3 *Ibid*, verse 40,

पौरजानपदश्रेष्ठाः नैगमाश्च गणैः सह ।

4 *EX*, IV., p 248

5 *V. M R*, 114.

6 *Ibid*, p 417. In Deva Jānis, तनोर्चाञ्जनमप्यान्ते पौरेषु द्दपुरवरे ।

7 *M Bh*, *Ud* Ch 149, 22 23

"much is the wage of kings for ensuring prosperity" 1

§ 268 The king according to the M a h ā- B h ā r t a had to invest only that minister with the jurisdiction of m a n t r i a or state policy and government (danda), that is, the powers of the Premier (m a n t r i n), who has legally earned the confidence of the P a n r a- J ā n a p a d a. Resolutions on state policy having been discussed by the cabinet of ministers with the king, had to be submitted to the R ā s h t r i a, that is, the J ā n a p a d a for their opinion (lit. to show दृश्येत्), through the R ā s h t r i y a or the President of the R ā s h t r a or J ā n a p a d a.<sup>3</sup> This was necessary especially because grant of extraordinary taxes, as we shall presently see, was in their hands.

§ 269 The tenure of ministers depended, to a considerable extent, on the good will and confidence of the Paura Janapada. The minister Chakra pīlita who was the provincial governor of Skanda Gupta in the Western presidency, records in the public inscription that he gained the confidence of the people and the Nāgaris

१ तय येऽनुप्रसंगेषु तानितरस्तं च प्रतिषेधयेत् । मातृस्वव्याप्याभिभूता प्राप्ता मनुष्यव्यक्तं राजानं चविरे । धान्यपशुभागं पायपदुग्धभागं हिरण्यं चास्य भागधर्मः प्रत्यक्षमाप्तः । तत्र भूता राजानं प्रवृत्तानां योगज्ञसमूहा तेषां हिरण्यमदयद्वारा दान्तिः । Ibid p. 97.

For the interpretation of *dhṛta* of its meaning in the *Mātikā* ( ५ ) of *śāstra* )

<sup>a</sup> *Ma* = *Pa* rata (Kumb) Sant. *Puccin*, LXXIII 4. C

तस्मै मन्त्र प्रयोज्यो दण्डमाधित्सता नृप ।

पौराणिकयुगा यस्मिन्विग्रहाम धर्मतो गता ॥

[illegible]

अष्टाना सन्निभता मध्य मन्त्र राजोपधारयत ।

ता मयेणयेद्राष्ट्र गच्छीयाथ च दर्शित ॥

§ 267 There is a sample of discussion in the assemblies of the Paura and the Jānapada given in the Artha Śāstra. Spies of the king charged to gauge the political views of the Pauras and the Jānapadas about the king, would approach (1) the Tirtha Sabhā-Śāla Samavāya or the Sectional sub assembly of the Paura in charge of the sacred places and public buildings, (2) the Puga Samavāya or the sub-assembly in charge of trades and manufactures, and (3) the Jana Samavāya or the Popular Assembly, that is, what the Mīchchhakaṭṭhaka calls the Janapada Samavāya. By approaching these assemblies, sectional or permanent councils, the spies ascertained the prevailing feeling of the Paura and the Janapada. The spies would broach the subject, for example, in these words

‘We hear that the king is possessed of all the necessary merits. But we do not see those merits, for the man is troubling the Pauras and the Jānapadas (by demands for) army and taxes.’<sup>1</sup>

In the discussion if the members defend and praise the king they were reminded of the Hindu theory of the original contract between the King and the People, the very origin and basis of Kingship.

‘Well, (is it not so ? that) the Subjects went to Manu son of Vivasvat when anarchy prevailed and troubled them. They settled his share in taxes—one sixth of the crops [and] one tenth of merchandise, in cash. That

<sup>1</sup> Artha Śāstra II. 1. 10. XI. 9.

गुह्यपुरप्रस्थिति कृतमहामान्यापस्य पौरजानपदानपस्ययत् ।

सत्रियो द्वन्द्वनस्तीर्थसभाशालापूजजनसमावपु विवादं कुतु सवगुणसम्पन्नचार्य राजा धृतं । न चास्य कश्चित् गुणो दृश्यते यः पौरजानपदान् दण्डनराम्या पीडयतीति ।

For the note in a n d दण्डनराम्या compare दण्डनराम्या II. 1. 10. (p. 40)



"much is the wage of kings for ensuring prosperity" ,

§ 268 The king according to the *Mahābhārata* had to invest only that minister with the jurisdiction of mantra or state policy and government (danda), that is, the powers of the Premier Mantrin and Paura-Jānapada (mantrin), who has legally earned the confidence of the Paura-Jānapada.<sup>2</sup> Resolutions on state policy having been discussed by the cabinet of ministers with the king, had to be submitted to the Rashtra, that is, the Jānapada, for their opinion (lit. to show दृश्येत्), through the Rāshṭrīya or the President of the Rashtra or Janapada.<sup>3</sup> This was necessary especially because grant of extraordinary taxes, as we shall presently see, was in their hands

§ 269 The tenure of ministers depended, to a considerable extent, on the good will and confidence of the Paura Jānapada. The minister Chakrapālita who was the provincial governor of Skand Gupta in the Western presidency, records in the public inscription that he gained the confidence of the people and the Nigrahas

1 तत्र येऽनुग्रहसेयुः सानिहस्तस्तु च प्रतिषेधयेत् । मात्स्वयन्यायाभिभूता प्रजा मनु  
ववत्स्यत राजानं चक्रिरे । धान्यपट्टभागं पण्यद्वयभागं हिरण्यं चास्य भागधनं प्रवत्सयामासुः ।  
तत्र भूता राजानं प्रजानां योगतमवहा तत्रा किलिङ्गमदण्डकरा हरन्ति । *Id.* (I. 27)

For the interpretation of bhṛta cf. its meaning in the *Mātsya* (I. 11) and *Skandapurāṇa* (I. 11).

2 *Mahābhārata* (Kāmb.) *Sant Parvan*, LVIII 4-6

तस्मै मन्त्रं प्रयोक्तव्यो दण्डमाधितसता नृप ।

पौरजानपदा यस्मिन्विग्रस्त धर्मो गता ॥

3 *Id.* LVIII 11

अष्टानां मन्त्रिणां मध्ये मन्त्रं राजोपधारयत् ।

ततः संप्रोषयेद्वाप्यं राष्ट्रीयाय च दर्शयेत् ॥



made an order that the Ministers at Takshasil were to go out of office every three years, and new ministers to be sent instead.<sup>1</sup> From other provincial capitals the ministers were changed every five years, but an exception was made in the case of the Government at Takshasil and that at Ujjayini. The same records which mention this, namely, the Kalmga Inscriptions called 'Special Edicts' by epigraphists, say that the King insisted on the rule of transfers so that the "city body" (*nagajana* = Paura) might not be suddenly excited and suddenly put to trouble (*Nagajanasakrasmapalibodhe vakrasmapalikasevanosiyati*). This evidently refers to sudden excitement of the Pauras as in the case of the Takshasila agitation described in the *Divyavardana*.

Unfortunately we are not in possession of the details of these constitutional 'insults' which entitled the Pauras to become hostile and justify their disloyalty. In any case the Pauras were such keen politicians that they would distinguish disloyalty to the Ministers from loyalty to the Crown.

श्रुत्वा तन्निगिलापौरा खलुपाघटादिकान् ।

गृह्य प्रत्युज्जगामाशु बहुमान्या वृषात्मनम् ॥

प्रत्युद्भय कृताञ्जलिहाराच । न यय कुमारस्य विरुद्धा व राज्ञोऽशोकस्यापि तु दुष्टात्मनाऽमात्या आगच्छास्मान्मयमानं हुनन्ति । यावत्कालो महता सन्मानेन तन्निगिला प्रसंगितः ।

1 नगलजनस्य अक्रमा पलिबोध व अक्रमा पलिक्रियत य नो लियति एताय च अदाय हकं धर्मत पचल पंचल वसंत निस्त्रामयिमामि पृथक्कले अचरः सखितालम्ने होसति एत अट अभिनु तथा वलति अथ मम अनुसधी ति उचनित पि तु कुमाल एतायव अगये निस्त्रामयिस हदिस मय वा ना च अतिक्रामयिसति तिनि यसानि हमय तखमिनात पि अदा अ न महा माता निस्त्रामिसति c c D 1 c 1 A 0

I have also used the significance of the inscription J H O P 9 A 1 A (181) 13

§ 270A The Pauri-Jānapada are repeatedly mentioned in connexion with taxation. Taxes were fixed by common law. But the king often had the necessity and occasion to apply for an extraordinary taxation. Such taxes assumed the form of 'pranayana', 'out-of-allocation gifts', or a forced benevolence tax, and the like<sup>1</sup>. It is evident that proposals for such taxation were first submitted to the Pauri Jānapada. According to the *Artha-Sāstra* the king had "to beg of the Pauri-Jānapada" these taxes<sup>2</sup>. We have already noticed the discussion of grievance in the Pauri sub-assemblies and the Jānapada sub-assembly about the oppression from the king's taxes. A ruler of a subjugated country according to Kautilya ran the risk of causing wrath of the Pauri-Jānapada, and his consequent fall, by raising money and army to be supplied to his suzerain<sup>3</sup>.

Disaffection might follow a Regent's threat to realize a war tax. Kautilya's agents, says the *Artha-Sāstra*, taking service under the Regent, while the enemy king was out with his army in the field, would secretly tell the Pauri Jānapadas, as friends, that the Regent had ordered the government to demand taxes the moment the king returned. And when the Pauris held a general meeting to give their votes on the subject the leaders were to be done away with at night secretly, and the rumour circulated by the agents 'this is done because they were

1 Jayas 1 *Ind A t* 1916 p. 0

2 *A r t h* 5 *B k* 1 c 1 2 90

पुनः प्रदेशेन राजा पौरजानपदान् भिजेत् ।

3 *Ar t h* 5 *B k* 1 c 1

कोपद्वयदानमवस्थाप्य यदुपकुञ्जगता पौरजानपदान् कोपयत् ।

कुपितैस्तेन धातयत् प्रकृतिभित्पक एवमनयेत् ।

opposing the Regent's proposal." <sup>1</sup> This was expected to cause dissension and weakness in the enemy country.

Rudradāman, as he says in his inscription, proposed to his ministers the restoration of the great water works of the Mauryas, the Sudarsana lake, which proposal was rejected by his Council of Ministers. Thereupon Rudradāman did the repairs from 'his own private purse'. In doing so, he says that he did not trouble the "Paura Janapada jana or body" with a demand for benevolences for the purpose. Just before, he has already said that he realized taxes only so much as was rightfully allowed (by Hindu Law) <sup>2</sup>

The Sudarsana lake was a huge irrigation work. The capital being situated on a hill, the people who were most benefited by it were the Janapada people. It would be probably inexplicable why the king should have troubled the Pauras unless we accepted that the Paura-Janapada together had to sanction the demand.

§ 271 A sample of an address from the

1 *Jl. I. II, Ch. II, 161*

हुणेषु चास्य शून्यपालासन्नास्त्रिण पौरजानपदेषु मैत्रीनिमित्तमावेदयेयुः । शून्यपालेभ्यो योधाश्च अधिष्ठास्यश्च कृच्छ्रागतो राजा जीवन्नागमिष्यति, न वा प्रसह्य वित्तमार्जयध्वममित्राश्च हत इति । बहुलीभूते तीर्ण्णा पौराभिशास्यगृहाहारयेयुः मुख्याश्चाभिहन्युः पृथग्विभक्त्ये ये शून्यपालस्य न शुभ्रपन्ते इति । शून्यपालस्यानेषु च सगोक्षितानि शस्त्रवित्तवन्धनान्युत्सृजेयुः । ततस्त्रिण शून्यपालो घातयति विलापयति च इत्यावेदयेयुः ।

In the above text बहुलीभूते shd. be compared with सबहुल in *Jātaka* II 45 and सबहुलेहि in the *Uyghur Vajrasūtra*—*Copala Vajrasūtra* S. H. 1. 1. 1. सबहुल do o. st. old g. a meeting to decide a matter by the vote of majority.

2 *Epigraphia Indica* Vol VIII p. 44

अपीडयित्वा कर्वादिप्रणयक्तिषामि पौरजानपद जनं स्वस्मात्त्वोगा (न) महता धनौघेन धनतिमहता च कानेन सेतुं कारितम् । अस्मिन्ने महाज्ञद्वयस्य मत्सिचिव कर्मचिवैरसात्यपुस्तमुत्तरिष्यतिमहत्स्यान्दस्यावुत्साहमिमुलमतिभिः प्रयात्प्यतातारम् ॥

1 यथावत्प्राप्तं बलिपुत्रकानि — 114

throne begging extra taxes from the Paura-Jānapada is given in the Royal Speech to the Paura-Jānapada Mahā-Bhārata. I quoted the speech in 1912 but its constitutional character could not be realized before Khāravela's inscription disclosed the corporate Paura and Jānapada. The passage just before that speech is most important, for it shows the methods to which the Crown resorted, to obtain the grants from the Paura-Jānapada. The method of securing a majority in the assembly of the Jānapada is given, and royal dishonesty in defeating the Jānapada is divulged. The very method, at the same time, proves the legal power and authority of the Paura-Jānapada. <sup>1</sup>

"To provide for a future distress, kings" [ according to our Mahā-Bhārata authority ] "raise and keep by funds. "All the Paura-Jānapadas ( i. e., all the members ) those in "session ( s a m s r i t a ), as well as those taking case "( u p ā s r i t a ), i. e., every one of them should be shown (royal) "sympathy, even those who are not rich. Dissension should be "created in the Outer ( B ā h y a ) body of theirs and then the "M i d d l e body to be well (or comfortably) won over (bribed, "entertained' ). The king thus acting, the People will not be "excited and disaffected whether they feel ( the burden ) easy "or heavy. Then, before money demand is made, the king going "to them and addressing by a speech should point out to the

<sup>1</sup> *Śānti Parvan* Oh LXXXVII 23—25 ( Kumbakonam )

आपदर्थं च निचयानूजानो हि विविचन्ते ।  
 राष्ट्रञ्च कोशमूत स्यात्कोगो वेगमगतस्तथा ॥  
 पौरजानपदान्सर्वान्सश्रितोपाश्रितान्स्तथा ।  
 यथाशक्त्यनुकम्पेन सर्वान्स्वल्पदधानपि ॥  
 बाह्यं जने मेदयित्वा भोज्यो मध्यमः सुखम् ।  
 एव तास्य प्रकुप्यन्ति जनाः सुखितदुःखिताः ॥

"Rāshtra (Jānapada) the danger to his country (*c. g.*) as follows :<sup>1</sup>

"Here a danger has arisen. A large enemy army !  
 "They forebode our end just as the prospect of coming on fruit  
 "to the bamboo<sup>2</sup>. My<sup>3</sup> enemies with the help of dasyus  
 "(foreign barbarians)<sup>3</sup> want to harm the kingdom,—an  
 "attempt which, of course, will prove to be their self destruc-

1 *Ibid.*, ३६-३८,

प्रागेव तु धनादानमनुभाष्य ततः पुनः ।  
 सन्निपत्य स्वविषये भयं राष्ट्रे प्रदर्शयत् ॥ २६  
 इयमापत्समुत्पन्ना परचक्रमय महत् ।  
 अपि चान्ताय कल्पन्ते वेशोरिव फलागसाः ॥ २७  
 अरयो मे समुत्थाय बहुभिदस्युभिः सह ।  
 इदमात्मवधायैव राष्ट्रमिच्छन्ति बाधितुम् ॥ २८  
 अस्यामापदि घोरायां संप्राप्ते दास्ये भये ।  
 परित्राणाय भवतः प्रार्थयिष्ये धनानि वः ॥ २९  
 प्रतिदास्ये च भवतां सर्वं चाहं भयक्षमे ।  
 नारयः प्रतिदास्यन्ति यद्वेयुर्बलादितः ॥ ३०  
 क्लृप्तामादितः कृत्वा सर्वं वो विमशेदिति ।  
 शरीरपुत्रदरार्यमर्थसन्वय इष्यते ॥ ३१  
 नन्दामि वः प्रभावेण पुत्राणामिव चोदये ।  
 यथायत्नयुग्यङ्गामि राष्ट्रस्थापीडया च वः ॥ ३२  
 आपत्स्वेव निबोढव्यं भवद्भिः सगतेरिह ।  
 न वः प्रियतरं कार्यं धनं कस्यांविदापदि ॥ ३३  
 इति वाचा मधुरया श्लक्ष्णया सोपचारया ।  
 स्वयममीनभ्यवसृजेद्योगमाधाय कालयितुं ॥ ३४

<sup>2</sup> The prospect is assuaged by the owner of the bamboo clump in our villages as it means the drying up of the whole stock. The bamboo 'fruit' is in appearance like paddy.

<sup>3</sup> *Dasyu* is a technical term both in *Uṣṇu* (x 45) and the (*Mahā Bhārata Kāṇva P* LXX, 13 17) denoting foreign tribes

"tion. In this serious difficulty and in the nearness of this  
 "grim danger, I beg of you money, gentlemen, for your safety.  
 "When the crisis is over I will repay, gentlemen, in full. The  
 "enemies will not return what they, if they can, carry away by  
 "force from here. From family down to every thing you possess  
 "might be destroyed by them. Money is desired only for the  
 "sake of person, children and wife. I delight in your  
 "prosperity as in the prosperity of my sons. I shall receive  
 "what you can spare, without causing pain to the realm and to  
 "you. In crises, the honourable assembly (भवद्भिः संगतैः)  
 "should bear the burden. You should not value money very  
 "much in a crisis."

"With such sweet, bland speeches making salutations  
 "and showing courtesy (sopachāro), kings presented  
 their "money demands" (dhanādāna).

Every Paura and every Jānapada (that is, every  
 member) was to be humoured by personal attention of  
 the king before the time for the speech and demand arrived.<sup>1</sup>  
 We are already familiar with the Outer body of the  
 Paura-Jānapadas. In the Rāmāyana, as we have seen, the  
 same term occurs. But what is meant by the Middle body?  
 They here stand for 'the Inner body'. They were to be "used"  
 and "given wages" for their dishonourable conduct. They  
 were won over to favour the king's proposal.

It should be noted that the language addressed to  
 the Paura-Jānapada is very polite; the pronoun is,  
 bhavāt, 'your honourable self', bhavadbhiḥ  
 saṅgataih 'your honourable Assembly.'?

1 Ibid. 26.

2 That voting prevailed in the Jānapada and Paura can be gathered from the procedure of contemporary popular institutions which we have already noticed. It is implied here in our text by the directions about creating breach in the Outer body and about winning over the Middle body.



§272. The Paura-Jānapada demanded and obtained *anugrahas* or 'privileges'. Khāravela in his inscription says that he granted numerous *anugrahas* in a particular year to the Paura and to the Paura Jānapada and *Anugrahas* or Privileges Jānapada. According to Kautilya the Paura-Jānapada (leaders) of an enemy country should be advised by secret agents 'to demand *anugrahas* from the king' when there be famine, thefts, and raids by the *Aṭavis* (buffers of wild tribes). This is to be read along with Yājñavalkya II, 36 : which enjoins that the king must pay "to the Jānapada" (in the singular) compensation for loss caused by thieves (see also § 281). The Paura-Jānapada should couple their demand, according to Kautilya, with the threat of migration to the enemy's country in case the demand was not allowed. \*

§273. That the demands for *anugrahas* were mostly of economic character, is shown by the direction of Kautilya :<sup>1</sup> that only those *anugrahas* and *parihāras* (fiscal concessions) should be granted which would lead to the strength of the Exchequer and those which weaken it were to be avoided for 'with a small treasury the king oppresses the Paura-Jānapadas.'

<sup>1</sup> Yājñavalkya, II 36

देवं चौर हतं द्रव्यं राजा जानपदाय तु ।

अदृष्टिं समाप्नोति किलिष्य यस्य तस्य तत् ॥

This verse of Yājñavalkya corresponds to Manu VIII 40 see Medhātithi's explanation

Or अत्याहृतं भयान्तु धनं चौरैर्हृतं यदि ।

स्वकीयात्तद्वि देवं स्वादयत्नेन महीशृता ॥

—Draupāyana in the Mitākhaṇḍa.

<sup>2</sup> Artha Śāstra, Bk. XIII, Ch. 1, 171 (p. 394).

दुर्भिक्षस्तेमादव्युपघातेषु च चौरजानपदानुत्साहयन्तः सन्निधौ मृत्युः राजानमनुपह वाचामहे निरुपहाः परत्र गच्छाम इति ।

<sup>3</sup> Artha Śāstra Bk. II, Chapter I : 19 (p. 47).

अनुपहपरिहारौ चेभ्यः कोमदृष्टिकरौ दद्यात । कोमोपपातिकरौ वनयेत । अन्वसोमो हि राजा चौरजानपदाने च प्रमते ।

He recommends *parihāra* in famines, and counts the erection of irrigation works as a case where an *anugraha* ought to be granted. <sup>1</sup> Aśoka in his Pillar Proclamations says that the Rājukas or ruling ministers, made independent by him, were to make *anugrahas* to the Jānapada body (§318). Rudradāman calls his restoration of the irrigation lake,—Sudarśana—an *anugraha* in favour of the Paura-Jānapadas. <sup>2</sup>

§274. The Buddhist books similarly testify to the constitutional practice of the king's approaching the Jānapada and the Naigama or Paura for a 'fresh tax' when he intended to undertake a big sacrifice. The royal speech on that occasion is characteristically polite. The form of demand was this :

King asks  
permission of  
Naigama-Jānapada  
to undertake  
long sacrifice

"I intend to offer a great sacrifice. Let the gentlemen ('Venerable Ones,' Rhys Davids) give their *saṅgati* 'to what will be to me for weal and welfare.'"<sup>3</sup>

If the Paura-Jānapada bodies gave their *anumati* ('sanction') the king was to perform the sacrifice and the country had to pay a tax for that.

<sup>1</sup> *Ibid* —

निवेष्टसमकालं यथागतं वा परिहारं दद्यात् । निवृत्तपरिहारान् पितृवानुगृहीयात् । आचार-  
कर्मन्तद्रव्यहस्तिवन्वजवयिकपथप्रचारान्वारिष्यलपयपयपत्तनानि च निवेशयेत् । सहोदक-  
माहायोदकं वा सेतुं बन्धयेत् । अन्येषां वा यत्नतां भूमिमार्गवृक्षोपकरणानुग्रहं कुर्यात् ।

<sup>2</sup> *Ep Ind Vol VIII p 43,*

पुनः सेतुबन्धनैरापवाद हाहाभूताद्य प्रजासु इहाधिष्ठाने पौरजानपदजनानुग्रहार्थं पार्थि-  
केन etc.

<sup>3</sup> Rhys Davids, *Dīgha Nikāya*,—*Kūṭadanta Sutta* § 11. *Dialogues of the Buddha Vol II, p 175*

<sup>4</sup> *Dīgha Nikāya*,—*Kūṭadanta Sutta* § 12,

इहोत्तमं भो महायज्ञं यजितुं अनुजानन्तु मे भोन्तो यं मम अहस दीधत्तं हिताय  
उत्सृज्याति ।

§ 275 Thus the Paurā-Jānapada were approached and begged by the king to grant extraordinary taxes, and the Paurā-Jānapada demanded and obtained anugrahas or economic privileges from the king. It is not certain but it is very likely that in raising his huge armies the king utilised the machinery of the Paurā-Janapada. Two references in the *Aitha-Śāstra*, noticed above, where taxes are coupled with the *danda* (army) or raising of army, suggest this possibility.

§ 276 That the Paura-Jānupada had not business of merely occasional or adventitious nature, is proved by the fact that the Athasastha marks out one period in the king's daily timetable to be devoted to the business of the Paura Jānapadas. Duly, therefore, matters went up from them to the king. These must have been of an economic and financial nature, and if they had to raise levies for the imperial army, as it seems very probable, the business must have included military matters as well. The duly business before the king suggests a busy time for at least the Inner body or the permanent Samāyika of the Paura Janapada.

<sup>1</sup> *Artia* & *tra* BL VIII Ch 19 15 (p 3<sup>m</sup>)

द्वितीये पौरजानंपदाना कार्याणि पश्यत ।

Cf. VJ-Fl. v. *St. Louis*, 401 U.S. 101 (1970).

पौरजानान्द्रासा च यानि कार्याणि नित्यग ।  
राज्ञान समनुनाप्य तानि कार्याणि धर्मत ॥

§ 277. The above matters were not the only concern of the Paura-Jānapadas. We find Asoka, after his pilgrimage to Bodhi Gaya, discussing his new Dharma with the Jānapada body<sup>1</sup>. Asoka proposed to impose a new system on the community and to do away with the old orthodox one. He had to feel his way in proceeding with his intended revolution. He sought countenance from the Paura-Jānapada and proclaimed to the public that he had been having the honour of meeting the Jānapada (*darsana*) and discussing the Dharma with them. They were thus a machinery not only for the restricted purposes of taxation and economic advancement but for all vital interests of the country.

§ 278. We find the Paura receiving communication from the sovereign to execute measures of moment which properly belonged to the jurisdiction of the Paura and the executive government of Danla. Tishyarakshita, queen of Asoka, sent the letter which she forged under the name of the Emperor and sealed it with his ivory seal, to the Paura of Takshasila. The story is related in the Divyavadāna may or may not be correct. But the story would not have been detailed in this way if the procedure of sending royal communication of the nature the missive is said to have embodied, had been unknown at the time the Divyavadāna was compiled.

1 Rock Series VIII (Gunnar)

वाताश्वमयान दमणे च दाने च धैरान दमणे च हिरण्यपट्टिविधानो च ज्ञानदत्त च जनपदपतय धनानुमन्दी च यमपरिबुद्धा च ..

See below the mention of the Jānapada in Pillar Series IV (Hindu Ministry)

The Paura were asked to inflict punishment on the viceregal prince who had been denounced in the letter as a traitor to the dynasty. The Pauras in the Muchchhakapika are asked by the people to execute the real culprit Samsthānaka who had been treated as innocent by the law-court. The 'Pauras' here probably stands for Paura-Jānapada as they are mentioned after the Janapada-samavāya.

§ 279 The prince-vice-roy was supposed to go to their assembly. The passage in the Mūha Bhārata implies that the king himself attended the Paura-Jānapada assembly. Asoka received them with great respect.

§ 280 The political philosopher Vāmadeva quoted in the Mahā Bhārata sums up the importance of the Paura and Jānapada by saying that the Paura-Jānapada could make or make the government. If they were satisfied "the business of the realm would be done by them, if they were not satisfied they would make government impossible, for they became opposers. The king had therefore to keep them attached by his conduct and by not causing annoyance to them".

१ राजा अशोको बलवान् प्रचण्ड आज्ञापयत् तन्निज्ञाजनं हि ।  
उद्धार्यतां लोचनमस्य यत्रोर्मौर्ध्वस्य वंशस्य कलङ्क एव ॥

—Dīpavādāna p 410

The use of the word *jana* should be noticed here and should be compared with *जनपद जन* in Asoka's inscription and *पौरजनपदो जन* in the Rāmāyaṇa. The sense is of a collective body.

"पर्यामि कुनालं पौरं प्रविष्टः । Dīpavādāna p 410

3 Mūha Bhārata (Kumbhāna) Śānti Pā. १८. 16

पौरजनपदा यस्य स्थानुरत्ना अपीडिता ।

राष्ट्रकर्मकरा ह्येते राष्ट्रस्य च विरोधिनाः ॥

[The context and grammar show that verse 16 which ought to precede in a fairly verse 18 has been detached and put in its present position. Verse 17 really reads with verse 16.]

As the Paura administered relief to the poor and helpless in the capital,<sup>1</sup> the Jānapada did the same in their jurisdiction. It appears from the view of Vāmadeva that when the Jānapada and the Paura withdrew from the duty of poor relief the government of the king was in trouble. They could make the government impossible in so many ways: this may be inferred from their various functions which we have noticed. To them, the trouble caused by the non-performance of poor relief is evidently to be added as a factor of importance. If the Paura-Jānapadas, says Vāmadeva, remain kind to beings, having money and grain (for the purpose), the throne will remain firmly rooted.<sup>2</sup>

§ 281. Another method by which the Paura-Jānapada made the government of a misbehaving king difficult was that the offended Paura and Jānapada would

Compensation bills  
of Jānapada  
to the Crown

make out a bill and present it to the king to make good all the losses sustained in the kingdom by thefts, dacoities, and the like lawlessness.

This strange<sup>3</sup> procedure is sanctioned even by the Codes of Hindu law. We can understand it only if we bear in mind the Hindu theory of taxation. Taxes were paid to the king as his wages, and the wages were wages for protection (see § 338 below). The corollary was that if protection which meant both internal and external, was not

1 तथानाथदक्षिणायां सस्कारो यजनक्रिया । etc See II. p 72, n.

2 पौरजानपदा यस्य भूतेषु च दयालयः ।

सधना धान्यवन्तश्च ददन्मूलः स पार्थिवः ॥

—*Mahā Bhārata* (Kumbakonam) *Santi Parvan* XIV, 18.

On the question of the wealth in the hands of the Paura and Jānapada bodies it should be noticed that corporate bodies not only held money and property but could even legally borrow money as is evidenced by the laws of Brihaspati and Kātyāyana (*Vṛāmi trodaya* p.432)

3 Mr. Govinda Das writes "Even up to very recent times, I understand that in the Rajput states thefts had to be made good by the king's treasury".

rendered fully, deductions from the wages of the employee would be made by the employer. The refund bills were presented, according to Yājñavalkya, by the Jānapada, as it is to them, he enjoins on the king, to pay the crown compensation.<sup>1</sup> The passage in the *Ārthashastra* which says that the spies were to prompt the Pauras and Jānapadas to ask for concessions if the frontier barbarians committed raids, also indicates the practice of demanding compensations.

Kṛishṇa Draipāyana lays down "when the king has failed to recover the property taken away by thieves it should be made good from his own purse (*Svakoṣāt*) by the impotent holder-of-the-country." *Svakoṣa* in the inscription of Rudradāman was the private purse as opposed to the public treasury. This being the sense of Draipāyana, the compensation realized (according to the corresponding law of Yājñavalkya) by the Jānapada amounted to a personal fine on the king.<sup>4</sup>

§ 282. From the evidence of the *Mahā-Bhārata*, we gather that the members of the Jānapada as well as of the Paura, were generally rich people. And those who were not rich, were not poor either.

The reference in the *Daśakumāra-charita* which represents the king making an illegal request to the president

1 देयं चौरैर्हृतं द्रव्यं राज्ञा जानपदाय हु ।

अददद्दि समाप्नोति किल्बिषं यस्य तस्य तत् ॥

—Yājñavalkya II 36 Compare other passages quoted below

2 I. XIII Ch. 2: 171 (p. 394).

3 प्रत्याहृतुमयत्तस्तु धनं चौरैर्हृतं यदि ।

स्वकोशात्तद्दि देयं स्यादराक्षेन महोभृता ॥

Quoted in the *Mārkhaṇḍeya* on Y. II. 36

4 *Meṃu* VIII 4). दातव्यं सर्ववर्णभ्यो राज्ञा चौरैर्हृतं धनम् । According to Nandana it means that the king should make good to all the varṇas the loss sustained from the etc. The great commentator Medhātithi as well gives the same meaning

5 *Daśakumāracharita*, Chapter III.

of the Jānapada for the oppression of a particular Grāmanī or the head of the village assembly, associates a Jānapada member with the village unit. The Jānapada, according to the Aitha-Śāstīa, was composed of villages and towns<sup>1</sup>. It is permissible to assume that the Jānapada had similarly its constituents in village corporations and townships of the country.

The Grāmanī was generally a rich man, a Vaisya according to a Vedic reference<sup>2</sup> and a Kshatriya according to the Pālī Canon<sup>3</sup>. The members returned to the Jānapada were very likely men from the Grāmanī class.

The Pālī Sūtra (Kūṭadanta of the Dīgha Nikāya)<sup>4</sup> which is regarded as almost contemporary in age with the Buddha's time, probably furnishes details of the composition of the Naigama or Paura and the Jānapada. The king invites the Kshatriyas who were 'Negama' or 'Jānapada' for the time-being (anuyuttā negamā cheva jānapada cha) in the king's country (Rañño jānapade), likewise those Negamas and Jānapadas who were officers and councillors (of the Paura and Janapada), and, Negama and Janapada Brahmins who possessed 'large class of houses', and finally, gahapati Negamas and Janapadas who were of the class of nechayikas. The gahapati class was composed of ordinary citizens—Vaiśyas and Śūdras, freemen cultivating their land or

1 *Artha Śāstra* Bk II Chapter 1 19

2 *Manu Smṛiti* Sāhita 1.6.5, IV 18

3 See above I, p. 89, n

4 *Dīgha Nikāya—Kūṭadanta Sūtra* 1.4.107

ये भोतो रम्भो जगदं क्षत्तिवा अयुयुता नेगमा चैव जानपदा च ये भोतो (etc.)  
यमदा पारिमज्जा नेगमा चैव जानपदा च ये भोतो (etc.) माहम्ममहासाला नेगमा चैव  
जानपदा च ये भोतो (etc.) गहपतिनेचयिका नेगमा चैव जानपदा च



following their trade, 'the lords of their households.' *Nechayika* probably denoted the richer class of the *Grihapati* members as opposed to the *Mahā-Bhārata's* *sva-lpādhanas*, the 'small-wealth' members, of the *Paura* and *Jānapada*. This shows that the *Paura* and the *Jānapada* had almost all the classes of the population. The poor but highly intellectual class of *Brahmins* probably was not there as the qualification required was based on property of some value. The class of *Brahmins* whom I have described elsewhere as the *aristocracy-in-poverty*, i.e., those who lived up to the ideal laid down in the *Upanishads* and the *Dharma Sūtras*, would not be included in bodies where property qualification was the law. If we keep this point in view we can understand why *Brahmins* as a class are mentioned in the *Rāmāyaṇa* separately, as joining the conference of the *Paura-Jānapada* to discuss the question of the nomination of *Yuvarāja* by them.<sup>1</sup> The character of the *Jānapada*, as representing the whole country, is quite clear. They are called the *Rāshṭra* or the kingdom itself and the *Deśa* or the Country itself. The *Pauras* were a fairly large body and presumably the *Jānapadas* were larger in number.

§ 283. We have a clear picture of the *Paura* composition. The description left by *Megasthenes*,<sup>2</sup> of the city-

1 . माहय्या जन्मुष्याथ पौरजनपदः सह ॥  
समेत्य ते मन्त्रयितु समतांगतदुदय ।

—*Rāmāyaṇa*, *Ayodhyā Kāṇḍa*, Chapter II 19-20 (Kumb)

2 See § 283

magistrates or the Executive bodies of the Paura of Pataliputra read in the light of the working system of corporate assemblies of the country, shows that the Paura was divided into several sub-assemblies representing different interests of the Capital. The Paura was a sort of mother association of different bodies. Patañjali, who uses the word Samgha in the general sense of a corporate assembly, not limited, as by Pāṇini and also probably by Kātyāyana, to the political Samgha, mentions as we have seen, Samghas of 5, of 10, and of 20 men.<sup>1</sup> It may be remembered that Kauṭilya also employs the word Samgha in the general sense<sup>2</sup> like Patañjali, although the technical sense of Pāṇini is not unknown to either. The significance becomes clear when we refer to the Mahāvagga (IX. 4. 1.) which lays down that a Samgha may have a quorum of 5, 10, 20 or upwards. The Pañchika Samgha, therefore, of Patañjali, is the quorum of 5. The boards of 5 members each of Megasthenes were these Pañchika Samghas. If the boards of 5 each were the Samghas of 5, then they would represent independent bodies, and their joint meeting would be a meeting of the mother association. This interpretation is supported by the fact that the Paura is regarded to have more than one Mukhya or Śreshṭha, chief or president,<sup>3</sup> and

1 See footnotes under § 257

2 Artha-Sūtra, Bk. III Ch 14; 66 (p 185); तेन सङ्गृह्यता व्याख्याताः। Bk. II. Ch. 1; 19 (p 43). सजातादन्य. सङ्गः Bk. III, Ch. III; 62, (p 173) देशजातिदुल-सङ्गानाम्।

3 Bāmāyana, Apadhyāyīya, Ch. XV. v 2 मुख्या ये निगमस्य च; Ch. XIV, V. 40, पौरमानपद्वद्धा।

Megasthenes mentions more than one "City Magistrate." In the *Mudrārākṣhaśāstra*<sup>1</sup> when Chandanadāsa is called by the Chancellor Chānakya (Kautilya), he is shown great respect and asked whether the people were loyal to the new king. Chandanadāsa thereupon speaks for the whole country; but he is only the president of the Jewellers' Association (*Maṇikāra-śreṣṭhī*). In the *Daśakumāracharita*, out of the two Paura-Mukhyas one is the president of merchants dealing with foreign trade only.<sup>2</sup> In the *Artha Śāstra* where spies are sent to the Paura-Jānapadas to sound their political mind, they go to the "associations" or *samavāyas* (in the plural) of the Tirthas, of the Sabhā-Śālas, of the Pūga and of the People.<sup>3</sup> These Samavāyas except the last one are evidently identical with the Boards of Megasthenes (as pointed out above) which looked after public buildings and temples, after manufactured articles, after trade and commerce. We have noticed the datum of Gautama which proves that there were Śūdras members also.<sup>4</sup> They were probably returned by the Jāti-Saṃghas or the caste assemblies or they might be representing some guild of artisans. The Pūga committee must have been mainly composed of the representatives of trade and commerce, apparently middle class substantial men. The Paura was thus composed on the basis of different interests in the capital.

1 See § 256.

2 Act I. For the date of the *Mudrārākṣhaśāstra* (circa 420 A.D.) see Jayaswal, *Indian Antiquary* 1913, p. 265, 1917, p. 275.

3 *Daśakumāracharita*, Chapter III.

4 *Artha-Śāstra*, Bk I Ch 13, 9 (p. 22)

5 See II, p. 72 n

§ 283. The Rāmāyaṇa gives some details of separate bodies which made up the Naigama, probably about 500 B. C. As the Paura-Jānapada (with the Naigama) appear, taking leading part in the nomination of Rāma as Yuvarāja, so the Paura, Naigama, or Jānapada or probably all of them figure on subsequent occasions when the question of succession to the throne presents itself. In VI (Yuddha) 127. 4, when Rāma is returning to Ayodhyā, the Śrenimukhyas and the 'Ganas' or 'Members of the Parliament' (probably the Jānapada) go out to receive him. In verse 16 they are around Bharata along with the Ministers and are mentioned as the Śrenimukhyas and the Naigamas. The Naigamas consecrate Rāma as representatives of Vaiśya and Śūdra elements of the population (C. 128. 62). When Bharata is called from his maternal home on the death of Daśaratha, the Śrenis sanction Bharata's proposed succession which is intimated to him (Ayodhyā, C. 79. 4). The "Rāma-Commentary" here explains "Śrenayah" as "Paurāḥ" and Govinda-rāja as "naigamāḥ". Probably 'Śrenayah' (Śrenis) has been used in the primary sense, like the ganas of VI. 127, denoting 'the assemblies', i.e., both the Paura and Jānapada. Again when Bharata goes to bring back Rāma from exile or hermitage, the "favourites of the gana" go with him along with the same associates, the ministers etc. (81. 12). These favourites or elected rulers of the ganas (83. 10) are referred to, a little further, in connexion with the people of the City,<sup>1</sup> as the Naigamas and 'those who think together' (sammatāye) in the company of 'all the ministers'. Immediately following (verse 12 *et. seq.*) are detailed the different bodies or classes of trades and

<sup>1</sup> Nāgarikas, evidently Pauras

the General President. The seal of the '*Śreṣṭhi Sārthavāha Kulika nigama*' legend represented the different sections or *Samavāyas* of the Nigama through their three chiefs. The separate seals related to the separate entities, the corporations sole, e.g., the judicial seal of the *Kulika* judge.

§ 285. The laws of Paura, alluded to in the general term *Grāma* or *Township*, and the laws of *Jānapada*, as we have seen in the last chapter, are recognised in the Codes of Hindu Law. They were really the resolutions of these bodies. They had the force of law. The law courts enforced them against offending members. The resolutions regulated primarily the conduct of the corporate bodies and their business *inter se*. They were called *Samaya*, 'law or resolution agreed upon in an assembly' (*sam + ay*). These *Samayas* are called in Manu and Yājñavalkya<sup>1</sup> '*Dharmas*' or Laws. We may recall here that according to Āpastamba, the oldest writer on Dharma yet discovered, all laws originated in *Samayas*<sup>2</sup>

<sup>1</sup> Manu, Chapter VIII, 219—22,

अत कथं प्रवक्ष्यामि धर्मं समयभेदिनाम् ॥

यो वामदेशसङ्घातां कृत्वा सत्येन सविदम् ।

विसवद्विद्वरी लोभान्न वाद्वादिप्रवासयैत् ॥

विमृष्टा दापयैचैनं समयव्यभिचारिणम् ।

यामजातिसमूहेषु समयव्यभिचारिणम् ॥

Yājñavalkya, *Smṛiti Vyatikrama prakaraṇa*, Bk II, ver 186,

विजयमविरोधेन यदा सामयिकी भवेत् ।

सोऽपि यत्नेन संरक्ष्यी धर्मा राजकृतय य ॥

For definition of *Samaya* in other codes see § 121, I p 124

<sup>2</sup> Āpastamba, I. 1. 1 अथात सामयाचारिकाव्यवसायान् ॥ १

धर्मजनसमय प्रसाधम् । २

वेदाय ॥ ३

Another class of their resolutions was called *Sthiti* (lit. 'fixed,' 'immutable,') or *Deśasthiti*<sup>1</sup> (the *sthiti* of the 'country' or 'country-assembly') which were enforceable against every body. The *Sthiti* was probably the same as the class of their enactments called *Samvid*, 'agreement' or 'laws by agreement.' The *Samvids*<sup>2</sup> were passed by the Jānapada and they were recorded on a roll (*Samvitpatra*). They were enacted with the formality of the members taking some special oath. They were binding on the whole kingdom. There is clear evidence of the fact that some-times *Samvids* were against the interest of the king as some authors of the Codes lay down the exception that those *Samvids* only shall be enforced by the Law Courts which are not opposed to the king.<sup>3</sup> The *Samayas* also were put on a roll.<sup>4</sup>

These *Samaya* (*Samaya-Kriyā*) and *Samvid* enactments were what we call at present 'Statutes.' They were not *leges* which were embodied in the Hindu Common Law. They were administrative statutes of fiscal and political nature.

§ 287. It is significant that the *Samvid* class of acts are mentioned in connection only with the Realm Assembly or the Jānapada and the Township Assembly. Guilds and conquered Ganas (republics) and similar bodies could not enact *Samvids*. The *Samvid* acts thus were the most important of the Paura-Jānapada enactments. Probably

<sup>1</sup> *Īramitrodaya*, p. 120,

देशस्थितानुमानेन नैगमानुसन्तेन वा ।

क्रियते निर्णयस्य न्यवहारस्तु बाध्यते ।

—Bṛhaspati

<sup>2</sup> यानी देशस्य यत्कुल्याकस्यलेख्यं परम्परम् ।

राजाविविरीविधर्मासं संबन्धितं वदन्ति तत् ॥

—Bṛhaspati in *Īramitrodaya*, p. 139. यानी— 'legal and political rules.'

<sup>3</sup> See the above note. Also, निजधर्माविविरीयेन यत् सामयिकी भवेत् of Yājñavalkya.

<sup>4</sup> यथेतद्विहितं पक्षे धर्मो सा समवक्रिया ।

VM., p. 426.

through them it was made known to the country to do a thing, e.g., to give a particular extra tax, or to desist from doing a thing

§ 287 To sum up We had an organism or a twin organism, the Paura Jānapada, which could depose the king, who nominated successor to the throne, whose kindly feelings towards a member of the royal family indicated his chance of succession, whose president was apprized by the king of the policy of state decided upon in the council of ministers, who were approached and begged by the king in all humility for a new tax, whose confidence in a minister was regarded an essential qualification for his appointment as chancellor, who were consulted and referred to with profound respect by a king aspiring to introduce a new religion who demanded and got industrial, commercial and financial privileges for the country, whose wrath meant ruin to provincial governors, who were coaxed and flattered in public proclamations, who could enact Statutes even hostile to the king in fine who could make possible or impossible the administration of the king—an organism with these constitutional attributes was an institution which we will be justified in calling the H i n d u D i e t

The Paura Jānapada were a powerful check on royal authority. At the same time there were also other influences which kept royal responsibility alive and active.

## CHAPTER XXIX

### Opinion of Thinkers and General Public Opinion

§ 288. To the constitutional check exercised by the Paura-Jānapada we must add the great influence of thinkers and wise men

The hermits and recluse thinkers living outside society, in the 'forest,' were a political factor in Hindu life. The hermitage was representative of the whole Aryan Society. At the same time it was a repository of past experience in social and political matters and a seat of clear and impartial thinking. The retirements for the people in the third stage were marked out in close neighbourhood of the capital and other towns.<sup>1</sup> Hindu hermits, though in retirement, were not absolutely out of touch with the community and the world of politics. They with their wisdom and impartiality could take a correct view of a difficulty in administration and could advise the king thereon, without reserve or fear.

Then there was the floating wisdom of the yet older generation which could speak to the erring with the authority which no temporal power could command. They spoke in the name of morality and they were heard. It was

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<sup>1</sup> *Artha-Sāstra*, Bk. II, Ch 2, (p 49)—

प्रदिताभयस्यावरजःप्रमानि च ब्राह्मणेभ्यो ब्रह्ममीमारब्धानि तपोवनानि च, तपस्विभ्यो जीवपराणि प्रयच्छन् ।

The Tapovanas were named after the seven original gotras. The Buddha went to one of such āśramas after leaving his home. The āśramas named after gotra pishis in the Rāmāyaṇa were also such institutions, not that the original gotra pishis were supposed to be still living.



their privilege to communicate their opinion even unasked for. Literature is full of references shewing the influence which the ascetic wisdom in Hindu race exercised on current politics. Nārada who was, as we now know from Pāli documents of early times, one of the class of Bhikshus called 'Nāradas,' advised Kṛishṇa on his republican difficulties. Coming to later historical times, the Buddha was approached by Ajātasattu for advice before marching against the Licchavis. Vidūra of Kosala once desisted from declaring hostilities against the Śākyas owing to the Buddha's opinion. Alexander found the 'gymnosophists' formidable politicians, and with his usual ferocity towards free ideas could not comfortably bear their existence and had several

<sup>1</sup> Cf. McCrindle, *Megasthenes*, pp 124 126 —

"God, the supreme king, is never the author, of insolent wrong, but is the creator of light, of peace, of life, of water, of the body of man, and of souls and these he receives when death sets them free being in no way subject to evil desire. He alone is the god of my homage, who abhors slaughter and instigates no wars. But Alexander is not god, since he must taste of death, and how can such as he be the world's master, who has not yet reached the further shore of the river Tiberboas, and has not yet seated himself on a throne of universal dominion?... If his present dominions are not capacious enough for his desire, let him cross the Ganges river, and he will find a region able to sustain men if the country on our side be too narrow to hold him. Know this however, that what Alexander offers me, and the gift he promises, are all things to me utterly useless. The earth supplies me with everything, even as a mother her child with milk... Should Alexander cut off my head, he cannot also destroy my soul. My head alone now silent, will remain, but the soul will go away to its master, leaving the body like a torn garment upon the earth whence also it was taken. I then, becoming spirit, shall ascend to my god... he is judge of all proud wrong doing for the groans of the oppressed become the punishments of the oppressors. Let Alexander then, terrify with these threats those who wish for gold and for wealth and who dread death, for against us these weapons are both alike powerless, since the Brahmanes (=Brahmanas) neither love gold nor fear death.

No wonder that the Greeks should say that Dandamis...though old and naked, was the only antagonist in whom he, the conqueror of many nations, had found more than his match.

The reader need hardly be reminded that the ascetic was quoting the Upanishads. His description of the Brahmin who neither wished for gold nor dreaded death is relevant on what we say below (§ 290)

of them executed. One of them when asked why he urged the leader of a particular state to oppose Alexander, replied because he 'wished him to live with honour or die with honour' (Plutarch LXIV). Another Sanyāsīn is related by Greek writers to have given Alexander a lesson in politics by comparing Alexander's empire to a piece of dry hide without a centre of gravity, one edge rising up rebelliously while Alexander stood on the other. The old Dandin (*Dandamis*) of Taxila, when called upon by Onesikratēs to present himself before Alexander, son of Zeus, master of the world, under the threat 'but if you refuse (he) will cut off your head,' 'complacently smiled' and replied that he was as much son of Zeus as Alexander, that he was quite content with India which supported him like a mother, and sarcastically indicated that the people on the Ganges (the army of Nanda) would convince Alexander that he was not yet the master of the world'. In the *Artha Śāstra* the king is told that bad government offends ascetics and recluses.<sup>2</sup> The *Mahā-Bhārata* in its book on politics enjoins upon the king to inform hermits of the affairs of state and to take counsel from one whose experience was large and whose original family was distinguished and who was now selfless.<sup>3</sup>

§ 289 The tradition came down through the whole course of Hindu history. It was so strong that in the period of Hindu revival it played once more a great role. *Guru Rāmādāsa* was

<sup>2</sup> See n. p. 110 above.

<sup>3</sup> *Artha Śāstra* Bk. I Ch. 4. 1 (p. 9).

दुष्पचीत (दण्ड) कामक्षीयायानमलायासस्यपरिनाजकानवि कीपदति ।

<sup>4</sup> *Mahā Bhārata* (Kuralakona: Ed) *Śānti Parva* Ch. LXXXVI vs. 26-28

आत्मानं सर्वकार्याणि तापस्य राष्ट्रमिव च ।

निवेदयेद्यत्नेन निजेन्द्रियं सर्वदा ॥

सर्वोदयानिर्भेदं राजा कुलं कार्यं बहुधनम् ।

पुत्रपौत्रौ तादृशं हृदा ॥

as great a guide to Śivāji as any Nārada to an ancient predecessor of the latter

§ 290 With the class of men in hermitage and post-hermitage stages of life, we should count the Vṛttastha Brahmin. Nobody can pretend to understand Hindu history without realizing the true social value of the teaching, studying, thinking and sacrificing Brahmin. With a culture of intellect ever developing, from generation to generation, he had grown into a leviathan of brain. That leviathan would have eaten up Hindu Society and burst up himself, but for the selfdenying ordinance of poverty. He would engage not in what would bring him wealth. The little wealth he required for his sustenance, he would beg of the Society he had undertaken to serve. He thus became the true aristocrat of Hindu Society, with the differentia peculiar to him in the whole world—that he was the aristocrat-plus poverty. By the vow of poverty he secured for him an imperishable intellectual existence rooted in independence of spirit and consciousness of virtuous superiority. The race in which he grew stood loyally by him nourishing and maintaining that leviathan of brain and virtue.

The Brahmin of poverty living inside society and state, and outside Paura and Jānapada, with his little home and his fire altars was probably more mindful of current politics than any one else. In the Jātakas, the Brahmin versed equally in Dharma and Artha, Sacred Knowledge and Science of Politics, is a constant figure. Vasiṣṭha and Vāmadeva in the national epics typify the figures who would turn up at the court and advise the king and point out weaknesses in his administration. It is they that lead the Paura Jānapada deputation in the Rāmāyaṇa to the king to announce the national decision about the appointment of Yuvrāja. And the king addresses them and the Paura Jānapadas as 'Rulers' (Kings). The Bṛhaspati and

Kautilya class was not merely concerned with systematizing theories of state; they made the politics of their country an object of their immediate concern. Kautilya was a Śrotriya or Vedic Brahmin.<sup>1</sup> At the same time Alexander's incoming and the stupid administration of the upstart (Nava) Nanda concerned him more than his Vedic studies. He thought it necessary to overhaul the existing system. The poverty-aristocrat emphasised again and again that State was a life on which depended social, individual and spiritual happiness. He reminded the people again and again that the bases of civilization of the Race are rooted in polity, that the Sword which protects the people is the womb of civilization.<sup>2</sup> The Brahmin idealised and idolised the country of the Aryas as much politically as religiously.<sup>3</sup>

§ 291. The opinion of organised bodies and of ascetics and hermits and Vṛittastha Brahmins apart, the administration

<sup>1</sup> चाणक्य इति विख्यातः श्रीविद्यः सर्वधर्मविदुः । *Upodghāta*, Telang's *Mudrā-Rākṣha*, p. 44.

येन शास्त्रं च मन्त्रं च नन्दराजं गता च भू । अमर्षोद्भूतान्वाय तेन शास्त्रमिदं कृतम् ॥

—*Artha-Sāstra*, (p. 429)

<sup>2</sup> *Mahā-Bhārata*, (Kumbakonam Ed.) *Sānti-Parvan*, ch. CLXIV, vs. 66-69

अस्मिं धर्मस्य गीर्णारं ददौ सत्कृत्य विष्णवे ॥

विष्णुर्मरोचये प्रादात्करीचिर्भोगेवाय तम् ।

महर्षिभी ददौ खड्गस्यधौ वासवाय च ॥

महेन्द्रो लोकपालिभी लोकपालालु पुष्यक ।

मन्त्रे गृयंपुत्राय ददु खड्गं मुनिहरम् ।

कचुर्धर्मं तथा बाह्य मातृवाचा तमोदर ।

अस्मिन् धर्ममर्षे पाण्डवस्य राजा इति ॥

<sup>3</sup> See, for instance, the interpretation of *Aryavarta* which Medhātithi gives on *Manu*, II. 22—

आसीद्भूमौ तत्र पुनः पुनश्चतुर्वर्षाकालाकालादि न विरं तत्र श्रेष्ठाः व्यापारी भवन्ति etc

had to take into consideration the opinion of the general public as well. That there was a real public opinion in the country, is proved by the passage in the Śānti Parvan of the Mahā-Bhārata,<sup>1</sup> LXXXIX 15-16:

"The king should make secret and trusted agents travel through the kingdom for ascertaining whether his conduct of the previous day has, or has not met with the approbation of the subjects.

"Ascertain whether my conduct is or is not approved, what action of mine in the country is agreeable and what reputation do I have in the realm."

The King's policy and conduct were criticised in the country and the king was anxious to know those criticisms. The ideal is forcefully, though crudely, set forth in the national epic, the Rāmāyaṇa, in the alleged reason as to why Rāma parted with his queen. Though personally convinced her innocence, he separated himself from her in response to the public will.

§ 292. In the *Bṛihaspati Sūtra* the king is asked to give up the smallest undertaking if there is popular clamour against it.<sup>2</sup> Even the right thing should not be done if the People raise a voice against it.<sup>3</sup>

<sup>1</sup> अतीत दिवसो वृत्तं प्रशंसन्ति न वा पुनः ।

गुणे यद्वैरनुमतैः पृथिवीमनुचारयेत् ॥

कानीत यदि मे वृत्तं प्रशंसन्ति न वा पुनः ।

कश्चिद्रोचिष्यमपदे कतिद्राष्ट्रे च मे यगः ॥ (Kumbh)

<sup>2</sup> *Bṛihaspati Sūtra* (Ed. F. W. Thomas)

I 95. जनवीये सति पुत्रकर्म न कुर्यात् ।

<sup>3</sup> *Ibid.*, I 4 ब्रह्ममपि श्रीकृष्णाय न कुर्यात् ।

## CHAPTER XXX

### Council of Ministers

§ 292. Was the Hindu king a personal ruler? To answer this let us examine the position of the Hindu Council of Ministers. To appreciate the constitutional position of the Council of Ministers it is necessary to recall the previous history of the Council. The Hindu Council of Ministers was a body and an organism which had differentiated and branched off from the old National Assembly of Vedic times. In the Atharva-Veda, as we have already noticed, the *rājākṛits* are a part of the 'folk around' the king who invest him with sovereignty.<sup>1</sup> The *rājākṛits* or 'king-makers' appear later as *Ratnīn* High Functionaries (Commander-in-chief, Treasurer, etc.) whom the king-elect worships before his consecration.<sup>2</sup> In worshipping the *Ratnīn*, he does honour to them both as officers of the state and as representatives of the society. Their approval like the approval of the remaining representatives of the Community was solicited before the election of the would-be king. In other words, they are officers but as part of the community, and not as creatures of the crown. This origin is further borne out by the technical expression applied to denote their collective body.

§ 293. The Council of Ministers is called the *Paṛishad*, in the *Artha-Śāstra*<sup>3</sup> and *Paṛisā* in the *Jātakas*,<sup>4</sup> the

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<sup>1</sup> See above § 201.

<sup>2</sup> See above § 212.

<sup>3</sup> *Artha Śāstra*, Bk. I. Ch. XV

<sup>4</sup> Vol. VI, pp. 405 and 431.

Mahāvastu<sup>1</sup> and Aśoka's inscriptions.<sup>2</sup> It does not interchange (until late) with other words of similar meaning. Now the *Parishad* was another name for the National Assembly of the Vedic Hindus. In the Bṛihadāranyaka Upanishad as already pointed out, the *Samiti* is called *Parishad*.<sup>3</sup> The Council of Ministers, thus differentiated from the Samiti-Parishad, inherited the same name like the Parishad of Law. With that name they likewise inherited and retained the popular tradition and sense of responsibility.

§ 294. { They never lost their Vedic prestige even in the most powerful days of the Hindu monarch.<sup>4</sup>  
 Use of Vedic terms They had been *rājakṛits* or 'king-makers' and 'kings' (rulers) under popular constitution and they remained 'king-makers' and 'kings' in the Pāli Sūtras, and in the national epic. The Pāli Canon employs 'king-makers' as a synonym for ministers.<sup>4</sup> The Rāmāyaṇa<sup>5</sup> in describing the ministers who put their resolution before Bharata, calls them 'king-makers.' In the Prātimoksha Sūtra the High Ministers were called 'kings.'<sup>6</sup> Aśoka calls his High Ministers 'reins-holders' [of the state] i.e. 'ruling ministers.'

§ 295 \ It is a law and principle of Hindu constitution that the king cannot act without the approval and co-operation of the Council of Ministers. The law-sūtras,

<sup>1</sup> *Mahāvastu*, Vol II, pp 419, 442

<sup>2</sup> Rock Series III and VI

<sup>3</sup> See above § 9, Pt I p. 13

<sup>4</sup> *Dighanikāya Mahāvastu Suttanta* § 32, 'rājakṛitro'

<sup>5</sup> *Ayodhyā Kānda*, Ch. LXXIX 1. समेख राजकर्तारि भरते वाक्समवृत्तम्; Commentary स quoted in the Kuṁbhakonain Ed राजकर्तार, = मन्त्रिण.

<sup>6</sup> राजादी नाम पदव्या राजा पदेवराजा मण्डलिकराजा अंतरभीमिका अरुदव्या मन्त्रिणा दी वा पण द्विचमेय अनुमार्दति एते राजादी नाम, quoted by Childers, PD, p 397

<sup>7</sup> *Rājula* in Rock Series III, and Pillar Series IV, where the *Rājula* ministers are entrusted with complete powers of government. (*Danda*). See Jayaswal, *J. B. O. R. S.*, Vol. IV, p. 41. See also above Pt II, p. 18 n

of ministers and whatever the majority decides the king should carry out. It should be noted that this rule is enjoined even when there is a body of mantrins or cabinet<sup>1</sup> separate from the Mantri-Parishad. The Artha-Śāstra says :

“When there is an extraordinary matter the Mantrins “and the Mantri-Parishad should be called together “and informed. In the meeting whatever the majority “decide to be done, should be done (by the king).”<sup>1</sup>

\* It is remarkable that the king is not given even the power of vetoing. The Kauṭīliya in emphasising the importance of the Parishad says that Indra was called ‘thousand-eyed,’ although he had only two eyes, because he had thousand wise members in his Mantra-Parishad or Council of State who were regarded as his eyes.<sup>2</sup>

The Śukranītisāra, which in matters of first principles follows tradition faithfully, prescribes :

“Without the mantrins matters of state “should never be considered by the king “alone, be he an expert in all the sciences “and versed in policy. A wise king must “always follow the opinion of the members “of the council—of Adhikārins or Ministers “with portfolios, of the President (Sabhya, § 309) “and Subjects (Prakritis, § 304). He must never “follow his own opinion. When the “sovereign becomes independent (of his council) he plans

<sup>1</sup> Artha-Sāstra, Bk. I. Chap. 15 ; 11 (p. 29),

आचार्यः कार्ये मन्त्रिणा मन्त्रिपरिषदयादय इत्याह । तत्र यज्ञविद्याः कार्यसिद्धिर्करं वा प्रयत्नकृत्याम् ।

See Jayaswal, *Ind. Ant.* 1913, p. 282

<sup>2</sup> Artha-Sāstra, Bk. I. Ch. 15 ; 11 (p. 29.) :

इन्द्रादि मन्त्रपरिषदयोः सदस्यः । तद्यथा : तस्यादिनं इत्येव सङ्ख्यापन्नाः ।



"for ruin. In time he loses the state and loses the subjects"

{The king, according to Manu (VII. 57), should consult the ministers separately and then 'all of them together' i.e., as Medhātithi explains, in the council. This is exactly, almost verbally, what Kautilya lays down.} By thus discussing, the king was to derive benefit. The cleverest of the minister, who should be a Brahmin, was to be completely depended upon by the king, and entrusted with the execution of all the resolutions. {All the business thus was to be left for execution in the hands of a Prime Minister or Chancellor. }

The Brihaspati Sūtra says that even 'a rightful thing (dharma) the king should do only on the advice of the wise'. That is, for even a lawful action in administration the king must have the authority of expert ministers.

-§ 296. In this connection we must also notice the very important constitutional law laid down by the Dharma School of law-givers that it was not competent for the king to make gifts

<sup>1</sup> SŪS. II, 2-4 -

सर्वविदासु कुम्भस्यो द्रुपी यत्पि सुमन्वितः ।  
मन्त्रिभिस्तु विना तन्व नैकोऽपि बिभर्षेत् कथितः ॥ २  
सम्पादिकादि प्रकृति-समाससुमते स्थितः ।  
सर्वदा सान्द्रपः प्राज्ञः सन्मते न कदाचन ॥ ३  
प्रभुः स्यात्सर्वमायमी ज्ञानयोगेन कल्पते ।  
विद्वद्वादी सर्वेकस्यो भिन्नमहतिरेव च ॥ ४

<sup>2</sup> तानिर्देकस्य वृक्षेन समस्तस्य ॥ AS, p. 8

तैशां च समन्वितायुपपन्नं द्रुमं इदम् ।  
समस्तस्य च कार्यं विद्वद्वाहितमात्मनः ॥ Manu, VII 57

<sup>3</sup> Manu, VII 58 59

<sup>4</sup> धर्ममपि लोकादिकं न कुर्वन् । करोति विद्वद्वासी न कुर्वन् । B; Sutra, I 4-5

even to Brahmins if the ministers "opposed" the gifts. The law is as ancient as the time of Āpastamba.<sup>1</sup> (circa 400 B. C.).

With the history of the origin of Hindu Ministry and these laws of the constitution before us we can understand how the Ministry under Chancellor Rādha-Gupta refused to make further gifts to the Buddhist Brotherhood on the order of the Emperor Aśoka.<sup>2</sup> Otherwise we would have fallen into the cheap wisdom of regarding the whole story as a 'myth' and a 'Buddhist fabrication'.

Aśoka in his Rock Series inscriptions section VI says that when he has passed an order with regard to a gift or a proclamation, should a discussion arise in the Parishad (Council of Ministers) and they (the ministers) shelve it, he should be informed of it—if there was a division of opinion with regard to his proposal in the Parishad or a total rejection, he should at once be informed of it.<sup>3</sup> That shows that the ministers had been for some time opposing the rulings of the Emperor.

§ 297. Rudradāman was similarly opposed by his Ministers with regard to his proposal to repair the Sudarśana

<sup>1</sup> Āpastamba, II 10 26 1 —

भक्षानामनपरोक्षेन चैव विजय ददन्नाप्रणिथी यथास्मनन्तोक्षीकानमिजयति । २११-२२११

For *Dhṛitya* in the sense of minister see *Artha Śāstra*, p 320 "मन्त्रिपरोक्षिनादि-भयवर्गेषु", and the reference to the *Divyāvadāna* below

<sup>2</sup> *Divyāvadāna*, p 430 *et seq* I regard the detail of the first gift of Aśoka as given in the *Divyāvadāna* to be substantially true, for it was in the nature of a *Videhī Sarvamedha* (सर्वमेध) fee which a Sārvabhauma Emperor which Aśoka was, was expected to make, as the *Satapathī Brāhmaṇa* describes (§ 209) The ruler gave away all that belonged to him except the land, i.e., the State as Mitāmeśa says (See § 345) In other words, he gave away the surplus revenue which he had in his treasury To an occasional gift like this the ministers would not have objected as that was the right of the Emperor to make But a repeated procedure of this nature would be objectionable as the Ministers of Aśoka found it to be

<sup>3</sup> *JA*, 1913, p. 242

Lake. Opinion of Rudradāman's Ministers was against the king's proposal for repairing Sudarśana water-works. They refused to pay for the repairs and the king had to pay from his private purse.' Fortunately for Indian history the evidence of Rudradāman's inscription is as clear as any could be. It proves that the constitutional laws were not mere pious wishes, but they were as real as ordinary, municipal laws of the law-books. Thanks to the Buddhist works which have preserved the great constitutional datum on the reign of Aśoka in their pathetic lament that the Emperor of the whole of India was deprived of his sovereign authority by the ministers of state.' The *Gāthā*<sup>2</sup> quoted by the Divyāvadāna is more ancient

<sup>1</sup> See § 270 above, *EI*, VIII, 44 (unc lines 16-17)

<sup>2</sup> Divyāvadāna p 430 Aśoka anxious to complete his intended gift of money to the Kukkuṭārāma monastery says, 'Rādhagupta I do not mind the loss of money, of government or authority.'

राजाह । राधगुप्त, नाहं द्रव्यविनाशं न राज्यनाशं न चाययविधीम शीचामि ।

° ° ° °

तस्मिन् समये कुमालस्य सम्पदिनामपुत्री युवराज्ये प्रवर्तते । तस्यामात्यैरभिहितम् । कुमार, अभीको राजा स्वल्कालावस्थायी, इदम् च द्रव्यं कुकुटारामं प्रेष्यते, कीश्वरलिनय राजानो, निवारयिष्ये । यावत् कुमारस्य माख्यगारिक प्रतिषिद्धः ।

"At that particular time Kumāla's son, Sampadī, was filling the post of Yuvarāja. He was told by the Ministers Your Royal Highness, King Aśoka is temporarily in his position but he is sending away the money to the Kurkuṭārāma Kings strength lies in treasury. He is to be checked. The Prince prohibited the Treasurer [For the position of Yuvarāja as a High Minister, and resolutions going up to him from other members of the Cabinet, see below § 312]

° ° ° ° \*

अथ राजाभीक सविदीमानान् वीराय सन्निपात्य कथयति । व साम्भते पृथिव्यामीश्वर । ततोऽमात्य सत्यायसनाहं विन राजाभीकसनाशलिं दण्डीवाचः । (p 431) द्वे पृथिव्यामीश्वर । अथ राजाभीक साधुदुर्दिननयन वदन्तीऽमात्यानुवाच—

दक्षिणादकृतं हि किं कथयय भद्राधिराज्या वयम् ।

"Now King Aśoka, very much agitated in mind, called a meeting of the Ministers and the Pauras. He asked— Who at present is the Sovereign of the Country? On that the Prime Minister rising from his seat approached the place where King Aśoka was

than the compilation of the Divyāvadāna, and the former could not have been composed many centuries after the event. The monks were to gain nothing by an invention of such a story which threw discredit on a great personage of their religious history. They would not have invented a story which would have been a bad precedent in case other monarchs wanting to imitate the munificence of the Maurya Emperor.

§ 298. The numerical strength of the Ministry varied from time to time. Bṛihaspati in his book on politics quoted by Kauṭilya gave the number of the council members to be sixteen. The Artha Śāstra of the Mānavas laid down 'that the Council of Ministers should be composed of twelve ministers' *mantriparishadāṃ dvādaśmātyāṃ kurvīte Mānavāḥ*. Another old authority, Uśanas, enjoined in his time twenty, while Kauṭilya would not have any rigid number. Earlier Councils were larger, as one is mentioned in the Mahā-Bhārata of thirty two members (§ 321). There has been a tendency towards a smaller body.

§ 299. We shall revert again to the Mantri-Parishad, and to the powers of the Ministers as a body. Let us now

and saluting him respectfully spoke, 'His (=Your) Majesty is the Sovereign of the Country. Then King Asoka with tears trickling down his face answered the Ministers

'Why do you tell an untruth on account of courtesy ?' We are deprived of rule !'

असकरोति नरेन्द्रोऽसौ अयोकी सोयंकुञ्जर ।  
अश्वत्थीपिबरीमुखा आन

मन्त्रैः समुपनिषत्पिपक्षसिद्धिः ॥

\*The literal King Asoka, the best of the Mauryas प्रयच्छति किलामलकार्षितम् ।  
because the sovereign of a half-apple (on his pln. he was the Emperor of India  
alms by the Ministers, gave away in charity the half. That King now deprived of

\* Kauṭilya, Artha Śāstra, Bk. I, Ch. 12, § 11 to 20. That King now deprived of

\* Kauṭilya as quoted in the AS, it qualifies monarchs as a  
\* Ibid

the official designations of different ministers. The number of the Ministry or Cabinet is recommended (VII. 54) to be seven or eight. The number that had become nearly fixed when the Śukranīti was written, and on its tradition the AṣṭaPradhāna, or Ministry of Eight, of Śivāji, was founded. Eight ministers according to 'some' authorities mentioned in the Śukranīti are the following:—

- 1) The Sumantra or Minister of Finance.
  - 2) The Paṇḍitāmātya or Minister of Law.
  - 3) The Mantrin or Home Minister.
  - 4) The Pradhāna or President of Council.
  - 5) The Sachiva or Minister of War.
  - 6) The Amātya or Minister of Revenue and Agriculture
  - 7) The Prāḍvivāka or Minister of Justice and Chief Justice.
  - 8) The Pratinidhi ('Representative:' See below).
- According to another view two other ministers—
- 9) The Purohita or Minister of Religion,
  - 10) The Dūta or Minister of Diplomacy,<sup>2</sup>
- could also have seats in the Council]. The exact character

Śukranītiśra, II 71-72

अष्टप्रकृतिभिर्गुणैः रूपं कथितं सदा ॥  
सुमन्त्रः पण्डितो मन्त्री प्रधानः सचिवस्तथा ।  
प्रमात्यः प्राड्विवक्ता तथा प्रतिनिधिः श्रुतः ॥

Śukranītiśra, II. 84 87,

सर्वदर्शो प्रधानस्तु सेनावित् सचिवस्तथा ॥  
मन्त्री तु नीतिकुशलः पण्डितो धर्मतत्त्ववित् ।  
नीकमाख्यानयन्तस्तु प्राड्विवक्ता श्रुतः सदा ॥  
दीर्घकालप्रविज्ञाता प्रमात्य इति कथ्यते ।  
आयव्ययप्रविज्ञाता सुमन्त्रः स च कीर्तिवित् ॥  
वृद्धिताकारचिह्नज्ञः श्रुतिमान् दीर्घकालवित् ।  
प्राङ्गुल्यमन्त्रविदाम्नी नीतिभौर्वित् इत्येते ॥

of the *Pratinidhi* is not clear. He is evidently very important being given precedence over the President of the Council and the Mantrin. [He was 'to press upon the King the 'business which must be done whether favourable or 'unfavourable.' He is certainly not the 'representative' of the king. He might have been the representative of the Paura-Jānapadas in the Cabinet or that of the Council in dealing with the King. He is certainly very, probably the most, important

§ 300. The *Yuvarāja* is not a member of the Cabinet in this enumeration but he is certainly a Minister. He was generally a prince of the blood: uncle, brother, nephew, son, an adopted

*Yuvarāja* and  
Princes as  
Ministers

अद्वित्यमपि यत्कार्यं सद्यः कर्तुं यदीक्षितम् ।

अकर्तुं यद्विहितमपि राज्यं प्रतिनिधिं सदा ।

दीधित्यकार्यैस्तु यथात्र कुर्यात् प्रवीक्षयेत् ॥

सर्वं वा यदि वा सर्वं कार्यं ज्ञातव्यं यत्कल ।

सर्वेषां राजकुलेषु प्रधानतश्चिन्तयेत् ॥

*et seq up to St 106.*

Of Śivājī's *Aṣṭa Pradhāna* 'The Civil organization of the District was, of course, subordinate to the authorities at head quarters, two of whom—the *Pant Amatya* and the *Pant Sachiv*, had respectively the charge of what in our time would be called the office of Finance Minister and the General Accountant and Auditor. The district accounts had to be sent to these officers, and were there collated together, and irregularities detected and punished. These officers had power to depute men on their establishments to supervise the working of the district officers. The *Pant Amatya* and the *Sachiv* were, next to the *Peshwa*, the highest civil officers, and they had, besides these revenue duties, military commands. They were both important members of the Board of Administration, called the *Aṣṭa Pradhāna* or Cabinet of eight heads of departments. The *Peshwa* was Prime Minister, next to the King, and was at the head of both the civil and military administrations, and sat first on the right hand below the throne. The *Senapati* was in charge of the military administration, and sat first on the left side. *Amatya* and *Sachiv* sat next to the *Peshwa*, while the *Mantri* sat next below the *Sachiv*, and was in charge of the King's private affairs. The *Savant* was Foreign Secretary, and sat below the *Senapati* on the left. Next came *Pandit* etc., who had charge of the ecclesiastical department, and below him on the left side sat the Chief Justice, [see *Nyāyadīpa*]” Ranaie, *Rise of Maratha Power*, pp. 125 f

son, or a grandson.<sup>1</sup> Like other Ministers he was a *Sabāya* or 'Colleague' of the king. The *Yuvarāja* had his seal, and the set formula with which he signed. Under *Aśoka*, on the authority of the *Dīvyāvadāna*,<sup>2</sup> *Samprati*, a grandson, was the *Yuvarāja*, while the son, *Kunāla* was the Presidency Governor at *Takṣaśilā* (the capital of the Northern Presidency).

A Prince royal in office was regarded as an officer. Bhatta Bhāskara calls him *Kumāra adhyakṣa* ['Prince Officer in charge of Department' who held the 'reins' of government.<sup>3</sup> In *Aśoka's* inscriptions despatches to Presidency Governments are addressed to the 'Prince' and High Ministers, (*Kumāra* and *Mahāmātras*) the latter being called a *Varqa* or Council.<sup>4</sup> Evidently it is such a *Kumāra* whom Bhatta Bhāskara, rather his authority, called *myantā* or 'one who leads' 'by reins' (*rajyubhā*). The Buddhist books<sup>5</sup> make *Aśoka* governor one time at *Takṣaśilā* and at another at *Ujjain* (the capital of the Western Presidency). Maurya Princes of the blood royal governed with their Councils in the South<sup>6</sup>, while the conquered province of *Kalinga* was governed only by a Council of *Mahāmātras*. It is significant that Despatches from the Central Government, copies of which are given in the inscriptions, are never addressed to the prince by name, they are impersonal. The Princes, like the *Mahāmātras* (whom we shall presently discuss) were probably transferred as the two viceroalties held by *Aśoka* indicate. In that case non personal documents would be quite in form.

<sup>1</sup> *Sūtraśāstra*, II 15

सखमिह पिबन् वातुर्ज वादजसम्भवम्  
पुत्र पुत्रीकृतं दत्तं योवरानोऽभिदिचयितम्  
क्षमादमावे दीद्वि सप्तिय वा निदीजयितम् ।

<sup>2</sup> *Dīvyāvadāna* p. 430 See above II, p. 121 n

<sup>3</sup> See above II p. 18, n.

<sup>4</sup> See Separate edicts of Orissa J. BORS II p. 30

<sup>5</sup> *Dīvyāvadāna*, p. 372, *Mahāvamsa* I 40

<sup>6</sup> See *Jangada* and *Dhanu* Separate Rock Inscriptions and *Siddhapura* Inscription.

§ 301 The official designations of the Ministers for different portfolios varied from time to time<sup>1</sup>. The *Mānava Dharma Śāstra* uses the word *Sachiva*, lit, 'helper,' 'colleague,' as a general term for Ministers<sup>2</sup> as against the *Amātya* (lit, 'those remaining together') of the *Artha Śāstra*. In the *Rāmāyaṇa* *Amātya* occurs in the general sense, while *Sachivas* are distinguished from the *Mantrins*<sup>3</sup>.

The Chief Minister is called *Mantrin* [lit 'Adviser'] i.e., the *Mantrin*, in the *Artha Śāstra* whose position is the first amongst the Ministers. Next to him comes in the *Artha Śāstra* the *Purohita*, then the *Senāpati* and after the *Senāpati* comes the *Yuvarāja*<sup>4</sup>.

The *Mānava* calls the Prime Minister simply *Amātya*, that is he was the *Amātya*. In him was vested the administration or danda<sup>5</sup>. He, as especially required by the *Mānava* (VII 58, XII 100), was to be a Brahmin. In earlier times, in the Pāli Canon, the Prime Minister, e.g., of Aśoka, is styled *Agramahāmātra* 'the Foremost Minister'. In the *Divyāvadāna*, the Chief Minister of Aśoka [Rādhagupta] is called the *Amātya*. He is evidently the *Mantrin* in the *Śukraniti*. In the Gupta period he is probably called the *Mahādandanayaka* (§ 322).

The *Mānava* Code does not specifically mention the *Purohita*. But he is very likely included in the 'seven or eight' Ministers of *Manu*. This Minister bears the same designation (*Purohita* or *Purodhas*, lit, 'Leader') throughout, but his functions varied with a tendency to gradual extension. In the *Jātakas* and *Dharma Sūtras*<sup>6</sup> he is expected to be versed

<sup>1</sup> *Manu* VII 54

<sup>2</sup> *Luddhakīpāṇa*, 130 17—20 (*kumbakonam*) Govindarāja

<sup>3</sup> *Artha Śāstra* Bk. V C1 2 91 (p. 245)

<sup>4</sup> *Manu* VII 65

<sup>5</sup> *Jātaka* Vol. I p. 437 *Jātaka* vol. II p. 39 *Āpastamba* D1 S II 5 10, 13—14



both in sacred law and politics. Āpastamba<sup>1</sup> expects him to judge cases where Prayaschitta or penance was to be inflicted. He was also to try Brahmins on behalf of the king. The Artha-Śāstra<sup>2</sup> requires him to be learned in the Veda and its Āngas, in astrology, and in politics, and that he should also know the Atharvan rites, which were to be performed in cases of national calamities to satisfy the common people. The Śukra-Nīti<sup>3</sup> demands a knowledge of the military science and art as well in the Purohita

The Mānava styles the *Minister of Diplomacy* as *Data*,<sup>4</sup> who had jurisdiction with regard to *peace* and *war* relations with foreign powers and "who broke up alliances." The Rāmāyana (II. 100.35) knows him by that title and so does the Śukra-Nīti. But subsequently he is called *Sandhi-vidhika*, in inscriptions of the Gupta period, in Brihaspati's law and later. It is curious that this Minister is not found in the list of the Artha-Śāstra. Probably the Mantrin combined that office in himself. The office was very important in Maurya days.

In the Mānava Code the king is his own *Finance Minister*.<sup>5</sup> He himself holds charge of the Finance. He is not directly named in Manu but his subordinates are mentioned under the designation which the Artha-Śāstra gives to him—*Samahartri*. In the Artha-Śāstra there is an allied portfolio, of the *Sannidhātṛi* (§ 211). Later on the two portfolios coalesce into one. In the Śukranīti the Minister of Finance is *Sumantra*. Govinda-rāja (§ 309) gives another designation, *artha-saṁchayakṛit*.

The *Senāpati* is evidently the Minister of War. He is very important in the government of

<sup>1</sup> Āpastamba, *Dharma-Sūtra*, II. 5 10, 13—14, etc

<sup>2</sup> Artha-Śāstra, Bk. I Ch 8, 5 (p. 15)

<sup>3</sup> Śukra-Nīti, II. 80. नीतिशास्त्रस्य साधकमस्तु प्रदीक्षित ।

<sup>4</sup> Manu, VII, 65—66. इति सन्धिपदं यो । इति यत्र हि सन्धिर्भित्तयेव च सन्धताम् ।

<sup>5</sup> *Ibid*, उपनीतिमस्तु च—(65)

§ 301. The official designations of the Ministers for different portfolios varied from time to time. <sup>Designations of Ministers</sup>

The *Mānava Dharma-Sāstra* uses the word *Sachiva*, lit., 'helper,' 'colleague,' as a general term for Ministers' as against the *Amātya* (lit., 'those remaining together') of the *Artha-Sāstra*. In the *Rāmāyana* *Amātya* occurs in the general sense, while *Sachivas* are distinguished from the *Mantrins*.<sup>2</sup>

The Chief Minister is called *Mantrin* [lit. 'Adviser'], i.e., the *Mantrin*, in the *Artha-Sāstra*, whose position is the first amongst the Ministers. Next to him comes in the *Artha-Sāstra* the *Purohita*, then the *Senāpati* and after the *Senāpati* comes the *Yuvārāja*.<sup>3</sup>

The *Mānava* calls the Prime Minister simply *Amātya*, that is, he was the *Amātya*. In him was vested the administration or *danda*.<sup>4</sup> He, as especially required by the *Mānava* (VII 58, XII 100.), was to be a Brahmin. In earlier times, in the Pāli Canon, the Prime Minister, e.g., of *Ajātaśatru*, is styled *Agga-Mahāmātra* 'the Foremost Minister'. In the *Divyāvadāna*, the Chief Minister of *Aśoka* [*Rādhagupta*] is called the *Amātya*. He is evidently the *Mantrin* in the *Śukra-nīti*. In the Gupta period he is probably called the *Mahādandanāyaka* (§ 322).

The *Mānava* Code does not specifically mention the *Purohita*. But he is very likely included in the 'seven or eight' Ministers of *Manu*. This Minister bears the same designation (*Purohita* or *Purodhas*, lit., 'Leader') throughout, but his functions varied with a tendency to gradual extension. In the *Jātakas* and *Dharma Sūtras*<sup>5</sup> he is expected to be versed

<sup>1</sup> *Manu*, VII 54

<sup>2</sup> *Yuddhakāṇḍa*, 130 17-20 (*Kumbakonam*), *Govindarāja*

<sup>3</sup> *Artha Sāstra*, Bk V Ch 2 91 (p 245)

<sup>4</sup> *Manu*, VII 65

<sup>5</sup> *Jātaka*, Vol. I p 437, *Jātaka*, vol. II p 30, *Apantamba Dh S*, II 6 10, 13-14

both in sacred law and politics. Āpastamba<sup>1</sup> expects him to judge cases where Prāyaścitta or penance was to be inflicted. He was also to try Brahmins on behalf of the king. The Artha-Śāstra<sup>2</sup> requires him to be learned in the Veda and its Āṅgas, in astrology, and in politics, and that he should also know the Atharvan rites, which were to be performed in cases of national calamities to satisfy the common people. The Śukra-Nīti<sup>3</sup> demands a knowledge of the military science and art as well in the Purohita

The Mānava styles the *Minister of Diplomacy* as *Dūta*,<sup>4</sup> who had jurisdiction with regard to *peace* and *war* relations with foreign powers and "who broke up alliances." The Rāmāyaṇa (II. 100.35) knows him by that title and so does the Śukra-Nīti. But subsequently he is called *Sāndhi-vigrahika*, in inscriptions of the Gupta period, in Brihaspati's law and later. It is curious that this Minister is not found in the list of the Artha-Śāstra. Probably the Mantrin combined that office in himself. The office was very important in Maurya days.

In the Mānava Code the king is his own *Finance Minister*.<sup>5</sup> He himself holds charge of the Finance. He is not directly named in Manu but his subordinates are mentioned under the designation which the Artha-Śāstra gives to him—*Samāharṭṛ*. In the Artha-Śāstra there is an allied portfolio, of the *Sannidhātṛ* (§ 211). Later on the two portfolios coalesce into one. In the Śukranīti the Minister of Finance is *Sumantra*. Govinda-rāja (§ 309) gives another designation, *arthasāñchaya-kṛit*.

The *Senāpati* is evidently the Minister of War. He is very important in the government of

<sup>1</sup> Āpastamba, Dharma-Sūtra, II. 5 10, 13-14, etc

<sup>2</sup> Artha-Śāstra, Bk. I Ch. 8; 5 (p. 15)

<sup>3</sup> Śukra-Nīti-Śra, II. 80. नीतिशास्त्राख्यसूत्रादिकुमल्लोपनिषत् ।

<sup>4</sup> Manu, VII, 65-66. दूतं सन्धिद्विपदं यो । दूतं यश्चि सन्धौ भिन्नमेव च सन्धौ ।

<sup>5</sup> *Ibid.*, उपनीतौ योमराट् च—(65)

Chandragupta, coming third in precedence, taking his place above the Yuvarāja. In the Śukra-nīti he is called 'Sachiva'. Probably the Senāpati was both the military leader in the field and the military member in the Council as is suggested in the Rāmāyaṇa, II. 100. 31. But in the time of Kauṭilya the two offices were distinct (§ 309) and they remained distinct in later times. In the Śukra-nīti he is a civilian officer, as the eight ministers were transferred from one portfolio to the other and they all occupy equal rank (§ 320).

§ 302. The above five ministers, with the Yuvarāja in addition, made up the real governing body. The Yuvarāja is a post-Vedic development while all others had origin in the Rātnins, except probably Dūta whose function might have been performed by the Sūta as he appears to be rather important in early days.<sup>1</sup> The Yuvarāja, it should be marked, occupies the fourth place in the Government of Chandragupta. Then and later he is not the President of the Cabinet or the Council as there are other officers in those posts; evidently no portfolio is given to him. The Mahā-Bhārata (XII. 83. 12.) calls the cabinet a *gaṇa* and so does the Śukra-nīti (§ 312). The Mahā-Bhārata says that the king should not be partial to any one member of the *gaṇa*.

§ 303. There was a tendency to form a smaller body inside the cabinet. The members of this, what we may call the Inner body, were three or four, according to the Artha Śāstra (p. 28.). It was with them that the king constantly conferred ('मन्त्रियैः'). These ministers are called the Mantrins (मन्त्रिणः) in the Artha-Śāstra and the Rāmāyaṇa and the Mahā-Bhārata. In this character the 'mantrins' mean 'those vested with *mantra* or the policy of state,' as is evident from the expressions *mantradharas* in the Rāmāyaṇa<sup>2</sup> and *mantra-grāhas* in the Mahā-Bhārata.<sup>3</sup>

<sup>1</sup> In the Mahā-Bhārata, Sañjaya becomes Minister of Finance XIII, 42  
<sup>2</sup> *Āyodhya*, Canto 100, 16  
<sup>3</sup> XII 83 50

The members of 'the mantra-holding' (*mantra grāha*) or 'the holders of the reins' of state (II, p 18) body were to be, according to the *Mahā Bhārata*, 'at least three and preferably five' Kaṭilya prescribes it to be 'three or four' (p 28). The original view probably was that such holder-of-mantra should be only one as recognised by the king. This was the view of that severe theorist, Kanika Bhāradvāja' (*Artha Śāstra*, p 27), and it seems to have been the view of the Mānava Dharma Code (VII 58). Viśālākṣha condemned the system of one minister-cabinet (*Artha Śāstra*, p 27), and the Rāmāyana does the same, according to which (II 100 18) it should "neither be of one nor too many." The number three and upwards became fixed, as evidenced by the *Mahā Bhārata* and the quotations in *Nīlāyampita*. The uneven number found preference for the same reason as given by Mitra Miśra in the case of uneven jury. सद्भावेदम्यन्तु भूयोऽल्पयिगोधि भूयसां प्यात् 'uneven number is to provide, against difference in opinion, for a majority.'

§ 304. Aśoka's *rājaka* ministers (§ 318) who had the fullest authority to rule over the *prajā* (subjects) and to grant them *anugrahas*, and in whose hands the king left the *prajā* as a mother leaves her child in the hands of a known nurse (Pillar Proclamation IV), and who were declared supreme in the matters of *daṇḍa* (administration) and *abhihāra* (declaring hostilities), seem to be identical with the *mantra dharas* or *mantra grāhas*. *Rājaka* signifies the 'ruling minister,' literally it denotes 'the holder

<sup>1</sup> *Ibid*, 47, 52 20 22

<sup>2</sup> We ought to recover his work. He is quoted as late as by Govindarāja

<sup>3</sup> एको सन्तो न कर्तव्यः । एको निरवयवश्चेति सुप्रति न कार्यकर्तव्यः । शत्रुपि सन्निधौ न कर्तव्यो, नो सद्भावे चरन्ती भवयन्ती यद्विती न विनाशयत । अथ पथ सत्र वा सन्निधौ कार्यः । Ch १

<sup>4</sup> *Pīramitrodaya*, p 35

of the reins [of Government] like Bhaṭṭa-Bhāṣkara's *rajjubhir niyantā* and that *Mantra-grāhas* of the Mahā-Bhārata. With regard to the use of the word *rājā* applied to them we should notice that the Prātimokkha sūtra, quoted by Childers in his Pali Dictionary under *rājā*, says that the high ministers (*mahā-mātras*) were called *rājās*. The number of Aśoka's Rājukas was certainly more than one, they being generally referred to in the plural.

§ 305 In the history of the Cabinet we have a growth in number, and a change—from the authority of one to that of several. The rule of one was always found incompatible with the tradition and the whole social system of the race.

§ 306 Apart from the cabinet of the Mantra-dharas who had the real executive authority, there was, as we have already seen, the *Mantra-parishad* or the *Mantri-parishad*. The *Mantri-parishad* was not solely composed of the Mantrins. To the meetings of this body, the Mantrins or 'the holders of Mantra' ministers were called according to the Kauṭīliya. The *Parishad* was composed of (1) these Mantradharas (Inner cabinet) (2) other cabinet ministers who held portfolios, (3) ministers without portfolios, and (4) others. The number was generally large, as the numbers 32 of the Mahā-Bhārata, 20 and 16 of other authorities, and Kauṭīliya's example of Indra's large council show. It thus exceeded the number of the ministers of the cabinet.

§ 307 We have no definite information as to who composed the class (4). The Council summoned by Aśoka on the ministers refusing to carry out his orders of gifts, consisted of the *Pauras* (Ch. XXVIII), and the *Amātyas*. It seems from other pieces of evidence that the Council had some seats assigned in it to the leaders of the *Paura* and *Jānapada*. The Mahā-Bhārata (Śānti, ch. 83)

and the Śukranīti (II. 3)¹ suggest that The opinion which the king was bound to follow according to the Śukra-nīti (II 3), was of (a) the *Sabhyā*, (b) the *Adhikārin*s, and (c) the *Prakritis*, as *sabhasadā* or members sitting in the Council. The *Sabhyā* according to the authority quoted by Govindarāja (§ 309) was the President of the Council or the Mantia-Parishad of Kautilya. *Adhikārin*s were the heads of Adhikaranas or Departments, i.e., the Ministers. The remaining one *Prakritis* must necessarily signify the People or Subjects (p 70), meaning thereby their representatives—the chiefs of the Paura and Jānapada (§ 265)² In the Rāmāyaṇa [A, chs. 81 (12), 82 (1, 4)] the People's representatives and the Ministers meet and hold a *Sabhā* called the 'ruling (*pragrahā*) *Sabhā*' to consider an *atyaya* ('extra ordinary,' cf. AŚ., p 29) business.

The Mahā-Bhārata³ where it describes the *Sabhā* (XII. 83 verses 1-2) counts these classes :

- (1) The *Sahāyas* by whom it means the 'Ministers (*Amātyas*) colleagues (*Sahāyas*)' or the High Ministers with portfolios (verses 3-4).
- (2) The *Parichchada amātyas* who should be very learned, of high birth natives of the country, deep, wise and loyal. As the name ('Robes') denotes, they were probably ceremonial ministers and dignitaries who had grown out of the king's house-hold One of them was the *Dauvārika* or Lord Mayor of the Palace occupying a very high position (§ 309) They had their Adhikaranas or Departments (§ 309) Out of the above the king chose his 'Mantrins' (7-8) who are referred to in the Śūkanīti verse, (II 2) preceding

¹ सभाविचारि प्रकृतिः सभासदसु मते स्थितः । सुभंदां सभासदं यावत् समन्ते न कदाचन ॥ (S'ā.)

² सभासदः सहायसु सुदृढसु विज्ञानिनः । परिच्छदानपामाणां कौटिल्ये स, पितामहः (M.Dh.)

the one quoted above. The subject of Mantrins continues for the rest of the chapter in the Mahā-Bhārata and with a small digression is taken up again in Ch. 85, where the list of 32 ministers is given. Out of them the king is to choose 8 ministers as Mantrins or the cabinet. Whatever policy they decided upon is to be submitted to the Rāshṭra and the President of the Rāshṭra, i.e., the Jānapada, for opinion.

- (3) The Rāshṭra This new element corresponds to the Prakṛiti of the Śukra nīti.<sup>1</sup>

The *Realm* ('Rāshṭra') of the Mahā-Bhārata and the *People* ('Prakṛiti') of the Śukranīti are thus identical with the Paura in the council called by Aśoka and the *Prakṛiti-sabhāśhads* (A. 82, 4, 17) of the Rāmāyaṇa.

It thus seems that the *Parishat* had not only the popular trace in its Vedic name, but a real popular element in it. Although it was now associated with the designation of the "*Mantra*—" or *Mantrin*—, it carried on in some degree the Vedic tradition of the folk assembly.

§ 308 It is better to render the Mantri-Parishad as Council of State rather than the Council of Ministers. The form Mantra-Parishat, 'Council of State Deliberation' which Kauṭilya applies to the Mantri-parishad of Indra, should be noted in this connexion. Probably the *Mantri-parishad* there signifies the Mantra-Parishad. The tradition of a large Parishad, e.g. of 1000 members, is preserved both in Kauṭilya, and in the Rāmāyaṇa (where it stands

<sup>1</sup> [It probably corresponds also to the *sukṛid* class of *Sabhasads* mentioned in the opening verse of Chapter 83, along with the *Sahaya* and *Parichchada* classes. Why the *representatives of the realm* should be called 'friends' is not very clear. The political writers have a classification by which they divide the natural friends and natural enemies of kings. Probably the Realm representatives were considered as the king's 'friends,' for unlike an ambitious relative, they were naturally interested in upholding the king's cause.]



rather discredited, II 100). Probably this is a reminiscence of the Vedic Parishad.

§ 309 There was an old grouping called 'the Eighteen  
Tirthas' The Rāmāyana knows it (II 100

36) The Artha-Śāstra of Kautilya mentions it and refers to the *tirthas* as Mahā Amātyas (pp 21, 22) They were heads of departments of both superior and inferior classes. They contained two offices of the royal household as well. The grouping was old and was fast becoming obsolete. The Mahā Bhārata does not seem to mention it in its book on politics.

Tirthas are defined in a quotation given by Somadeva Sūri<sup>1</sup> as bodies of legal officers and officers in charge of executive works. It seems certain that Tirtha meant the holder of a department, as all the Tirthas mentioned in the Artha Śāstra are in charge of departments. *Tirtha* literally means 'a ford to pass through' i.e. a passage. Ministers and heads of departments acquired this name probably because orders passed through them to their respective departments. The Tirtha classification throws light on the significance of the technical officers. They were —<sup>2</sup>

- (1) The *Mantrin*
- (2) The *Purohita*
- (3) The *Senāpati*, the Minister for the Army (see *Nāyaka*, below No 11)
- (4) The *Puvarāja*
- (5) The *Dauvārīka* or the Lord Mayor of the Palace
- (6) The *Antarvamsika* or the Lord Chamberlain
- (7) The *Prasāstri*, evidently the Chief *Prasāstri*, as there were more than one such officers. According to the enumeration of Govindarāja, he was the minister in charge of Prisons.

<sup>1</sup> *Āṭīkāyām ita* Chapter II चर्मसमवायिनः कार्यसमवायिनश्च पुत्रश्च तदीयम् ।

<sup>2</sup> *Artha Śāstra* Bk I Ch 12 8 (pp 20 21) Cf also Bk V ch 2, 91 (p 245)

- (8) The *Samahartṛi* or the Minister of Revenue.
- (9) The *Sannidhātṛi* or the Minister of Treasury.
- (10) The *Pradeshtṛi* whose functions are not clearly known
- (11) The *Nayaka* or the Generalissimo.
- (12) The *Paura* or the Governor of the Capital
- (13) *Vyavahārika* (lit., 'Judge') or the Chief Justice, according to Govindarāja.
- (14) The *Karmāntika* or the Officer in charge of Mines and Manufactories.
- (15) The *Mantri-Parishat-adhyaksha* or the President of the Council, *Sabha* according to Govindarāja.
- (16) The *Dandapāla* or the Officer in charge of the maintenance of the Army
- (17) The *Durgapāla* or the Officer in charge of Home Defences
- (18) The *Antapāla* or *Rāshṭrāntapāla*, i.e., the Officer in charge of Frontiers (Artha-Śāstra, p. 245)

c This list makes it clear that *Senapati* here is not the military Commander-in-Chief but the Minister of War. The military leader was the *Nayaka*. The Lord Chief Justice is called the Judge instead of the *Prādvivāha* of later times. The President of the Mantri-Parishad is the *Pradhāna* of the Śukranīti. He received an allowance from the Civil List (Artha-Śāstra, p. 245). Govindarāja commenting on the "the 18 Tirthas," Rāmāyaṇa, II 100 36, quotes from an unnamed work on *Nitiśāstra* and gives a few different designations in later terminology. In the place of *Prasāstri* which is obscure in the pages of the Artha-Śāstra, he gives *Karāgāra-adhikṛt* which elucidates the former. It should be translated as Inspector General of Prisons (lit., 'Corrector of

Convicts.'). Against the tīrthas nos. 8 and 9 of the Artha-Śāstra, Govinda-rāja gives *Artha sañchaya-kṛit* or the Chancellor of the Exchequer. The *Pradeshtṛi* who in the Civil List (Artha-Śāstra, p. 245) does not occupy a place amongst the *Amātyas*, appears as *Kārya-niyojaka* in Govinda-rāja and is explained as the Despatcher or Director of Royal Orders (राजाज्ञायाः वहिः प्रचारकर्त्ता). Instead of *Vyāvahārika* Govinda-rāja has the younger term *Prādvivāka* [the Pāli Canon knows only *Vohārika*] The *Nāyaka* who appears in the Artha-Śāstra as the Highest Military Commander is represented by *Senā-nāyaka* and the *Paua* by *Nagarādhyaksha*. The *Mantri-Parishat-adhyaksha* corresponds to *Sabhya* (whom Govindarāja incorrectly connects with the building *Sabhā*) Govindarāja's authority has a new officer *Dharmādhyaksha* who is, I think, identical with *Paṇḍita amātya* of the Śukra-nīti. The order in Govindarāja is slightly altered after no 8 of our Artha Śāstra list

§ 310. The Ministers were divided in three classes according to the Pāli Canon, the Rāmāyana and the Śukranīti. In the Rāmāyana they are called the Superior, the Intermediaries and the Inferior. The Śukranīti has the same division<sup>2</sup>.

§ 311. The Artha Śāstra divides the eighteen tīrthas into three classes in the Civil List and king's salary, which fixes the salaries of the permanent officers from the King down to the Historiographer and the Ministerial Establishments. The King's salary according to *Apastamba* should not exceed that of the "Amātyas and the *Gurus* (religious Preceptors)"<sup>3</sup> This provision

<sup>1</sup> The interpretations given by Mr Shama Sastry are mostly wide off the mark. See his Trans., p. 23

<sup>2</sup> *Āyodhyāśāstra*, c. 100 25 26 मुखा, मध्यम जयन् । *Śukranīti* (Sutra ch. II. 109 110

<sup>3</sup> *Āpastamba*, *Dharmasūtra* II 9 25. 10.  
मुखासाध्याय कानिजीवेत् ।

becomes clear in the light of the *Artha-Śāstra* Civil List Kaṭṭilya says that the King is to get three times the salary of the officers of his equal acquirement (*samāna-vidya*)<sup>1</sup> We may regard the Prime Minister and the *Senāpati* as *Samānavidya* to the king. The religious chiefs who are placed at the head of the first class of the Civil List are *Ritvik* and *Āchārya*. These two with the *Purohita* are the *Gurus* of *Āpastamba*. The salaries of these three put together, or the three highest ministers namely, *Mantrin*, *Senāpati* and *Yuvarāja* of Kaṭṭilya's list, should not be exceeded, in the language of *Āpastamba*, by that of the king. In other words, the two provisions are identical. Now the salary of the *Gurus* and '*Amātyas*' was 48,000—(silver) *panas* a year each.<sup>2</sup> The same salary is allowed to the mother of the King and the consecrated Queen.

The second class of ministers in which occur ministers numbered 5 to 9 of our list were given 24,000 a year. The third class carried the salary of 12,000 a year. The members in this class are those numbered 11 to 18 in our above list. In this class are placed the *Kumāras* and their mothers.

<sup>1</sup> *Artha Śāstra* Bk V ch 3 91 (p 246)

समानविद्येभ्यश्चिदुपवर्तनी राज्ञः ।

<sup>2</sup> The king's salary has been completely misused in the translation of the *Artha Śāstra* by Mr. Bhamu Sastry.

## CHAPTER XXXI

### Council of Ministers (contd.)

#### Government

§ 311 The duty of the Ministry is summed up in these terms "If the State, the People, the Strength, the Exchequer, and lastly Proper Monarchism (*su nripatvam*) do not grow, or the Enemy is not broken through the policy of the ministry, the ministers do not justify their existence (lit, 'of what use are they?')"<sup>1</sup>

In connection with 'Proper Monarchism' I would quote the principle from the same authority which is embodied in the preceding verses "The Monarch is not controlled, therefore ministers have to be" "For," says the Niti in the next verse, "if the king could not be kept in check by ministers, is national prosperity possible by such ministers?" In the latter case they would cease to be real ministers and would be no better than ornaments.<sup>2</sup> The *Su nripatva* or 'proper monarchy,' therefore, is a 'controlled monarchy'

The minister is the *Rāja rāshkha bhrit*<sup>3</sup> or 'the bearer of the responsibility of the king and the state' The king was consequently bound, as observed already, to follow the dictates of the Council, otherwise in the eye of the constitutional law he

<sup>1</sup> *Sūtra nītiśāstra* II 83

राज्यं प्रजां बलं कोशं सुवृत्तं न बहिर्हन् ।

दमश्चतोरिन्द्रियैर्मन्त्रिभिः किं प्रयोजनम् ।

<sup>2</sup> *Ibid.* 81, 82

दीपकं न जलवायुद्वाराद्येन वा सुलभियं ।

न विभक्तिं दृष्ट्वा दीपकैर्वाग्निं राज्यवर्धनम् ।

यदाह्नहादवजाये त्विदो भूयादह्ना किं न ॥

<sup>3</sup> *Ibid.*, II 74

would cease to be the king<sup>1</sup> As the Mahā-Bhārata put it, he was always under the control of others (Ministers)<sup>2</sup>

§ 312 We have seen that extraordinary business was decided, according to the Arthasāstra, in a full meeting of the Council This implies that ordinary business went through only ministerial offices That would have required written notes There is evidence that written notes as a matter of fact were used Asoka in his inscriptions speaks of his oral orders<sup>3</sup> which implies that the orders were generally written orders The Arthasāstra also says that the ministers who were not in attendance wrote notes for the King<sup>4</sup> We have not yet discovered any document which passed through the offices of the ministers There is, however, on the point a very valuable piece of detail furnished by the Śukranīti The detail evidently belongs to the early centuries of the Christian era as the official designation *Dūta*, which is superseded in later (Gupta) times by *Sāndha Vighraha*, indicates It is highly important from the constitutional point of view The procedure it depicts of a matter going through the offices and then reaching the king and becoming a resolution of the ministry is as follows

Without a written document no business of state was done A matter was endorsed first by the Home Minister, the Lord Chief Justice the Minister of Law and the Minister of Diplomacy with the fixed style '*This is not opposed to us*', i e., their departments had no objection The Minister of Revenue and Agriculture endorsed with the remark '*The note is all right*,' the Minister of Finance '*Well considered*' then the President of the Council inscribed in his own hand '*Really proper*' Next, the Pratinidhi wrote '*Fit to be accepted*', the Yuvarāja following, with

<sup>1</sup> Quotation in *Asiatic Researches* V—न त्वत्सो राजा यो मन्त्रिषोऽतिक्रम्य वक्तुंते ।

<sup>2</sup> Śānti (Kumbh) ch. 32, 130-140, परतन्त्रं सदा राजा मन्त्रि विप्रदयोनि च कुतो र प्रत्यक्षता मन्त्र आमात्यमङ्गि कुतस्तस्य स्वतन्त्रता ॥

<sup>3</sup> Rock Series VI य म्मि वा किञ्चि म्पन्ते आशययामि इक दापयं वा सादक वा etc (Kābi)

<sup>4</sup> Arthasāstra Bk I ch 15 11 (p 29) अनासने स्मृते पत्रसमेपक्षेन मन्त्रयेत् ।

'Should be accepted' in his own hand. The Ecclesiastical Minister endorsed 'This is agreeable to me'. Every minister affixed his seal at the end of his note. Finally the King wrote 'Accepted' and set his seal. He was supposed to be unable to go through the document carefully and the Yuvrāja or some one else was to make this endorsement for him which was shown to him. After this first stage was over, the minute was signed by all the ministers as the Council (*gana*) and sealed with the seal of the council. Finally it was once more presented to the king who 'without delay' wrote 'Seen' as he had not the 'capacity' to criticise it<sup>1</sup>.

§ 313 The incapacity referred to here was the constitutional incapacity. We have already seen that the king had no option to veto a measure decided by the majority of the council (*Arthaśāstra*). In an ordinary matter for which the king did not call a general Council and which went through the Ministry only, when it had been discussed and finally signed and sealed as a resolution by the Ministry as Council it really became a resolution of the Council and the King was truly, as the *Sukranīti* says, *akṣama* or incapable of criticising it. The first submission to the king from the ministers in their individual capacity seems to be an opportunity given to the king to discuss the matter and to make his suggestions.

<sup>1</sup> *Sukranīti* para II 307-309

- लिख्यपुर्णं कुर्वाहि हरा लिख्य विचार्य च ।  
मन्त्री च माद्विवाक्यं पश्चित्तो दूतसंनतः ।  
स्वाविच्छ लिख्यमिदं लिखेत् प्रथमं लिम् ॥ ३०७  
अमात्यं साधु लिख्यमस्तु संप्रानिषेदयत् ।  
सम्यक्लिख्यमिति सुमन्त्रो विचिन्तयेत् ॥ ३०८  
सत्यं यद्वाच्यमिति च प्रधानपश्चिच्छयेत् ।  
अहोक्तं तु योऽयमिति ततः प्रतिनिधिलिखेत् ॥ ३०९  
अहोक्तं तु योऽयमिति च सुवचनां लिखेत् ॥ ३१०  
लिख्यं व्यामिश्रं चैतद्विचिन्तयेत् पुरोहितः ॥ ३११  
सम्यक्लिख्यमिति च लिख्यं तु योऽयमिति ॥ ३१२  
अहोक्तमिति लिखेत् पुरोहितः ॥ ३१३

§ 314. The document became the resolution of the state with the fiat of the king.} And in the eye of the constitutional law that document became 'the king'. To quote the language of the Sukranīti:<sup>1</sup> "The document signed and sealed by the king is *the* 'king and not the king himself.' The officers could not obey any unwritten 'order' of the king. For the signed and sealed order of the king, which as a matter of fact was an order of the Council, being the real king, any one who obeyed an actual order of the king in flesh and blood was regarded in the eye of the constitutional law as obeying an outsider, or, in the language of the Sukranīti, a 'thief':<sup>2</sup> obeying an outsider or 'thief':

"A king or an officer who orders or does a business of State without a *lekhyā* (official document) are both thieves 'at all times'."

§ 315. As a written *lekhyā* became really the order of the Ministry on account of the routine, a king who wanted his personal orders to be observed must take recourse to oral commands and requests. And when an oral command was issued, according to the constitution implied here, the officers had to deal with the command of a thief

आदेशाद्यस्तु सत्त्वात् सत्त्वं न दृश्यते ।

युवराजादिभिर्लोक्यं तद्वन्न च दृश्यते ॥ १६८

समुद्रं विनिविष्टं सर्वे मन्त्रिणश्चक्षते ।

राजा हतमिति विधिद्वारा सत्यद्वयमात्मनः ॥ १६९

The set endorsements are all in Sanskrit. This implies that the procedure belongs to the period of the Sanskrit revival which is now to be dated in the light of the history of the Śunga revolution between 150 B C and 100 A C (JBORS, IV pp 257—63).

The Divyāradāna (pp 404 and 429) also uses the word *gana* to denote the cabinet or council of ministers (*amātya-gana*)

<sup>1</sup> *Sukranīti*, II. 202.

<sup>2</sup> *Ibid.* : 201.

अनेकाश्चादयस्ते ह्यपि चक्षुरिति वा :

राजसदस्यो श्रीरौ लो जयदत्तौ वदा ॥



in law, and to the mounted king in flesh and blood trouble was a certain consequence. We have, thanks to the inscriptions of Aśoka, an immortal evidence of this trouble. Aśoka issued orders regarding his proclamations and sermons (*Saukham*) and gifts (*dāpakaṃ*), and the 'Parisā' (Council) discussed the 'orders' and 'shelved' them. The angry monarch orders that he should be informed when his oral orders are rejected.<sup>1</sup>

§ 316 The essence of the constitution as sketched in the Megasthenes on Sukranīti is that the king had actually no Ministry & jurisdiction power in his own and sole hand. All administrative functions were vested in the Council.<sup>2</sup>

The account of India left by Megasthenes are to be gleaned from fragments. The fragments as we find them indicate that the actual government did vest in the Cabinet or Council, that the Council was very much respected, and that it had a high character and tradition of wisdom behind it. It deliberated on public affairs and it 'chose' and appointed governors, chiefs of provinces, deputy governors, superintendents (or 'adhyakshas') of treasury, generals of the army and admirals of the navy, and high officers to superintend agriculture.

(a) "The seventh caste consists of the *Councillors* and *Assessors*—of those who deliberate on public affairs. It is the smallest class looking to number, but the most respected, on account of the high character and wisdom of its members."<sup>3</sup>

(b) "The seventh class consists of the *Councillors* and *Assessors* of the king. To them belong the highest posts of Government, the tribunals of justice, and the general administration of public affairs."<sup>4</sup>

(c) "In point of numbers this is a small class but it is distinguished by superior wisdom and justice, and

<sup>1</sup> IA 1912, p. 23.

<sup>2</sup> This is supported by the M. B., cited in § 311.

<sup>3</sup> *Epitome of Megasthenes* Dodrson, II 41. Mc Crindle *Megasthenes* p. 43.

<sup>4</sup> Strabo XV 48. Mc Crindle *Megasthenes* p. 85.

"hence enjoys the prerogative of choosing governors, chiefs of provinces, deputy governors, superintendents of the treasury, generals of the army, admirals of the navy, controllers and commissioners who superintend agriculture."<sup>1</sup>

§ 317. This description of the constitutional powers has the direct support in home records. Bhāradvāja, a famous authority on Hindu Politics, quoted both in the Mahā-Bhārata and in Kaṭilya's Artha-Śāstra, sums up the jurisdiction of ministers in these words:

"Between degeneration of the king and the degeneration of the ministers, that of the ministers is more serious."<sup>2</sup>  
 "(1) Deliberation on the policy of state (*mantra*),  
 "(2) realization of the result of that policy,  
 "(3) execution of business, (4) the business concerning Income and Expenditure, (5) army and (6) its leading, (7) providing against enemy and wild tribes (*aṭavī*), (8) maintenance of government, (9) providing against (national) degeneration, (10) protection of the princes and their consecration to offices are vested in the 'Ministers.'"<sup>3</sup>

(1) Policy or *mantra* of Bhāradvāja corresponds to the 'deliberation on public affairs' of Megasthenes, (2), (3) and (8) of Bhāradvāja correspond to the 'general administration of public affairs' of Megasthenes, (5), (6) and (7) to 'choosing generals, and admirals' of Megasthenes, (11) to Megasthenes' 'choosing governors, chiefs of provinces', and (4) to 'choosing superintendents of the treasury' and controllers of agriculture.

<sup>1</sup> Arrian, XII, *Mc Crindle, Megasthenes*, p. 212.

<sup>2</sup> शास्त्रमाद्यव्यवसायद्वारा माद्यव्यवसाय नदीय इति। मन्त्री मन्त्रकदावाप्तिः कर्माणि गृह्यमाणायव्यवसायं दृष्ट्वा व्यवसायमभिवाटयति विवेका राजपरचमं व्यवसाय-प्रदीपः कुमारचवमभिषेकस्य कुमारवा-मायवममाद्येव। Quotation in Kaṭilya, VIII L 127, p. 320 This jurisdiction is not controverted by Kaṭilya who says that as the 'Board of Ministers' and the Departments are designed by the king, and he stops degeneration in them, that the king is more important. Mr Shama Sastry has missed the meaning of *dyatta*. Its technical meaning as in law-books, is given here (see § 322).

The 'Assessors' are either the 'Tirthas' or the junior ministers (§§ 309-10), while councillors are the members of the Mantri-Council.

Thus the jurisdiction of the Ministry or Council is known. The constitutional law noticed above is borne out by that defined jurisdiction.

§ 318. Under such a constitution if a king had despotic tendencies the result would be a revolution : either the king would be made to mend his method or the constitution would be subverted and the ministers (council) put in prison or assigned to the executioner. But the ministers had the Paura and the Jānapada behind them and the law and tradition of the country to support them<sup>1</sup>. Hindu institutions did not easily change, and constitutional laws once established and made sacred by the Śāstras could not be deviated from with impunity. We have the recorded instance of the pious despotism developed by Aśoka, and what was the result? Was the Ministry overthrown and the constitutional laws set at naught? Or was the despot deprived, if not of his throne, of his sovereignty? There is the combined evidence of Aśoka's inscription and the Divyāvadāna, both of which are adverse statements against interest and therefore entitled to perfect credence.

As the inscription referred to is one of the most important documents of the constitutional history of Hindu India I propose to give it here in extenso, omitting the last lines which are not relevant. It has remained a puzzle and an object of whimsical treatment to the translators of Aśoka's inscriptions, who never thought for once that there could be anything else but religious matter in the 'Edicts' of Aśoka. If no violence is done to the natural sense of the words the meaning is clear. Early interpreters (to whom India must be thankful for the first interpretations of Aśoka's proclamations) have grasped the letter,

<sup>1</sup> On the power of the people to depose a king and set up another in his place see *M. B. Aśoka*, IV, 8-11.

not the spirit, of the Proclamation<sup>1</sup> under discussion, viz., that Aśoka made the officers called Rājūkas 'independent.' But the circumstances under which the independence in question was granted, and its nature, have been missed. The text is as follows :

देवानं पिये पियदसि लाज हेवं आह्वा सडुवीसतिवस  
अभिसितेन मे इयं धंमलिपि लिखापिता लजूका मे  
बहसु पानसतसहसेसु जनसि आयता तेसं ये अभिहाले वा  
दंडे वा अतपतिये मे कटे किं ति लजूका असुथ अभीता  
कमानि पवतयेव् जनस जानपदसा हितसुखं उपदहेव्  
अमुगहिनेव् आ सुखीयन दुखीयनम् जानिसंति धंमयुतेन च  
वियोवदिसंति जनं जानपदं किंति हिदतं च पालतं च  
आलाधयेव् ति लजूका पि लघंति पटिचलिटवे  
मं पुलिसानि पि मे छंदनानि पटिचलिसंति ते पि  
चकानि वियोवदिसंति येन मं लजूका  
चघंति आलाधयितवे अथा हि पजं वियताये धातिये निसिजि  
असुथे होति वियतधाति चघति मे पजं सुखं पलिहटवेति  
हेवं ममा लजूका कटा जानपदस हितसुखाये येन एते अभीता  
असुथ संतं अविमना कमानि पवतयेव्ति एतेन मे लजूकानं  
अभीहाले व दंडे वा अतपतिये कटे इक्षितविये हि एसा किति  
वियोहालसमता च सिय दंडसमता चा अय इति पि च मे आवुति<sup>2</sup>

It means :

“ ‘Devānāmpriya [His Fortunate Majesty] King Priyadarśin [another name of Aśoka] thus says : [‘thus says’—a style in royal documents to denote ‘Proclamations’ Artha-Sāstra, p. 71] :—

“In the year twenty-six (elapsed) of my coronation this document of law was caused by me to be recorded [or ‘dictated by me’]:

<sup>1</sup> Pillar Proclamations IV, (Delhi—Sivalak) ; cf. Divyāv., p 430

<sup>2</sup> The *Śruti* is :

अथनदधानं सुनिधानं लोहितदृक्कानं पतवधानं तिमि दिवसानि मे होति दिने मातिका व कानि  
निभपदिसंति जीवितायै तानं नामतं व निभपदितवे दानं दादति पातकिणं उपशानं व कर्त्तुं इहा हि मे इयं  
निमुचसि पि कालसि पातकं आलाधयेव् ति जनस च वदति विविधे धंमचकने धयमे दानसंविभागेति ।  
Mathia version, *ET.*, II, 253.

"The Rājūkas<sup>1</sup> of mine have jurisdiction over the People who are numerous (hundreds of thousands) Those Rājūkas who are either over [the departments] of Abhihāra [War] or Danda [Home Administration] are made [declared] by me to be Protectors by themselves [of sovereign jurisdiction, *ātmapataye*] Why so? So that the Rājūkas without agitation and with peace of mind [*lit*, without apprehension] may carry on the business, may render themselves agreeable and satisfactory to the Body Jānapada and may grant them *anugrahas*

"They will know the satisfied as well as those who are in difficulty and distress They will also get the Body Jānapada advised by the Ecclesiastical Service Thereby they (the Rājūkas) may secure this world and the world beyond

"And the Rājūkas disregard (*laghanti*=='*laghanti*') my proclamations, while my (own) subordinate officers [*purushas*, Cf Artha Śāstra, p 245] will promulgate my opinion and orders [*chhandam anāni* Cf *ānam*, Jātaka 1398] And they [Rājūkas] will advise the Provinces [*Chakāni*]<sup>2</sup> which wish to serve the Rājūkas, not me Therefore let me indeed, consign the (Child) Subject [*Pajam*, a pun on the word] to the *vyatā* Nurse [a pun on the word, 'anxious' 'exerting' 'with open arms', and 'separating herself', i.e., from me] The anxious Nurse becomes tranquil, she wants to defend well my Prājā [pun on *sukham palihatare*, 'comfortably to snatch away my Child']

"In this manner my Rājūkas have acted for the satisfaction and good of the Jānapada

<sup>1</sup> See § 304

<sup>2</sup> Buhler, *Chakani* in the sense of 'some ones.' The corrected reading is indicated by Prof Ramavatara Sarma [*Piyadasi prasastayah* p 33]

<sup>3</sup> येन न लज्जते चरति वासायसिद्धे। (Mathia) Former reading येन न लज्जते etc. The last word has been taken as *layukā*. The Mathia plate (*E.I.* II p 230) suggests an *anura*. Without the *anura* the meaning would be slightly changed 'and they will advise the provinces they the Rājūkas: who do not wish to serve me.'

"So that they may with peace of mind, without agitation and without any feeling of hostility (*avimāṇā*) carry on business, I do make hereby my Rājūkas independent in War and Peace administrations

"This indeed I desire, *viz* that the sameness of civil and criminal justice should remain And though fallen from position (*avaite=ava rita*<sup>1</sup>) my prayer<sup>2</sup> is that (*etc*) ."

The rule for the maintenance of which the emperor prays is about allowing religious service to prisoners under sentence of death It is significant that the king now 'prays' and does not 'command' as in other documents In the next regnal year, probably a few months after signing this document, the king composed a retrospect of his reign up to the year of signing the Rājūka decree Evidently he then regarded the period of his rule as a past chapter and as distinct from the period of mere reign thereafter

The passages in the Divyāvadāna we have already seen They clearly say that the Ministers including the Yuvarāja deprived the Maurya Emperor of his authority

The *Jānapada*, as distinct from the *Prajā* and *loka* 'the people' (as in Pillar proclamations IV and VII), are mentioned, and it was for their benefit that the Rājūkas wanted independence The *Jānapada* evidently supported the ministers The Buddhist monks might well cry at the fate that deprived the Emperor of India of his *aiśvarya* or sovereign authority But they do not, as they could not, call the Ministers sinful for that The Emperor bowed to the authority of the laws of his country The politicians under the leadership of the polite but firm Rādha gupta<sup>3</sup> and the Pauras according to the Divyāvadāna, listened to the sarcasms of the Emperor—a feature in the Emperor's language even in the

<sup>1</sup> Cf the same format on in the *Ājāsanya Saṁhita* Buhler in utter disregard of philology renders as even so far (goes my order)!

<sup>2</sup> *Ārtya* in this sense occurs in the Vedic as well as later literature Monier William Dict 1899, p 150 a—173

<sup>3</sup> Probably a descendant of Vishnu gupta (Kauṭilya)

inscription—and they let the otherwise great Emperor continue in the enjoyment of his throne and title and preach his ‘sublime nonsense’ But the political writers do not seem to have let the license of monkish professions pass unnoticed ‘The dharma of the king indeed is the suppression of the evil and the rearing up of the good and not the shaving of the head [becoming a Buddhist monk] or the growing of matted hair’<sup>1</sup>

§ 319 Before we close this brief survey of Hindu Junior ministers or under secretaries Ministry let us note a few more details about their composition {Each minister had two junior ministers or Under Secretaries<sup>2</sup> The chief of the three was distinguished by the title *Mahā mātra*, ‘Of great measure’}

In the inscriptions of the Gupta period the same offices are distinguished by *Mahā* and *Kumāra*, e.g. *Dandanāyaka*, *Mahā Dandanāyaka*, and *Dandanāyaka kumārāmātya* The simple *Dandanāyaka* would be one of the two junior ministers to the *Mahā Dandanāyaka*, and the *Kumārāmātya*—(the ‘young-minister’) *Dandanāyaka* would be the juniormost The second minister might have been called *Mahā Kumārāmātya* i.e. the senior under secretary This interpretation may be also considered with reference to various designations of the classes in the inscriptions of the Gupta times where *Maha Pradhana* *Mahā-Sandhi vigrahika*, *Mahā Danda nayaka*, etc figure<sup>3</sup>

§ 320 {The ministers were transferred from one portfolio to another<sup>4</sup> The transfers were made Transfers every three years or after every five,

<sup>1</sup> वाचो हि दुष्टनिवहं मिष्टवर्तिगलनञ्च धर्मो न पुनः प्रियेमुच्यते अतोधारणं वा—  
Quotation in *Naladya rita* ch. V

<sup>2</sup> *Sukraniti* II 109—10

एकस्मिन्महिषीरे तु पुनरापि नय नवा ।

मिषुञ्चात न ज्ञानं सुखमिहं तु मेधु ये ॥

यो ह्येको तु तत्कार्ये

<sup>3</sup> See Fleet, *Corpus Inscriptionum Indicarum* Vol. III Pas. in  
CI. 825 II 111 13

<sup>4</sup> *Sukraniti* II 107 13

परिवर्तं ययो यथावत्तयादयोऽप्येवमिति ।

seven or ten years.<sup>1</sup> For "authority should not be given in one's hand for a long time. A capable minister should be put in charge of another work [department], and a new competent man should step into his shoes." The rules of three-yearly transfer and of five-yearly transfer are referred to as 'dharma' or law by Aśoka in his inscriptions at Dhauli and Jaugaḍa (Separate Proclamations). The whole Council (*varga*) of Ministers (*mahāmātras*) went out or rather were 'made to go out', to quote the language of the Emperor, every three or five years.<sup>2</sup> The process is officially called *anusamyāna*, that is, 'regular departure' which may be compared with the word *anugata* in the above quotation from the Śukranīti and with *anusamyāntu* in the Rāmāyaṇa.<sup>3</sup> In the Rāmāyaṇa it comes in connection with the 'going out' of guards to the passes on the route which Bharata was shortly to use.

§ 321. As in other matters, e.g. in the coronation, so in the exercise of the executive power each of the four divisions of the Hindu society was represented. The coronation details given by Nilakaṇṭha and Mitra Miśra show that ministers were taken from all the varṇas up to the last days of Hindu régime. The Mahā-Bhārata gives a list of thirty-seven Ministers recruited on the principle of representation from each varṇa: Four Brahmins, eight Kshatriyas, twenty-one

नाधिकारं चिरं दद्याद्यजेन्नजे सदा नृपः ।

यतः कार्येष्वसं दृष्ट्वा कार्येष्वेते तं भिवोजयेत् ।

सत्कार्ये कुशलं सार्थं सत्पदानुगतं खलु ॥

<sup>1</sup> *Ibid.*, 110,

---जायते सन्निवर्तयेत् । विभिन्नं पञ्चभिर्वापि समभिर्दशभिश्च वा ।

<sup>2</sup> II 79. 13; Konow, A S I, 1913-14, p. 113;

यमे बभूवुर्दुर्गे रामो राजा भविष्यति । १५

क्रियतां शिष्यभिः पद्याः समादि विद्यमादि च ।

पक्षिपदानुसंध्यान् पक्षि दुर्गविचारकाः ॥

<sup>3</sup> Let the guards go out (after the *śilpīns*) who know the passes on the way.



Vaiśyas and three Śūdras, and finally one Śūta who was of the mixed caste. The remarkable point is that the largest class (Vaiśya) had the largest number in the Ministry. The Śūdra and the Brahmin are almost equally divided. The real ministry, as it says, was composed of eight members only.<sup>1</sup>

§ 322 The designations of the ministers in Gupta times changed. We have already seen the *Sāndhi* *vigrahika* superseding the old term *Dāta*.

This was evidently necessary to avoid confusion and distinguish the *Minister of Diplomacy* from the *Ambassador*. We do not find *Mantrin* used in the inscriptions of the period. Here again a desire to use an unambiguous expression seems to have operated. For, the minister *Dandanāyaka* or rather *Mahā Dandanāyaka* appears to have taken its place. In Manu (XI 100) *Dandanetrīta* is distinguished from *Senāpatya* and means the leadership of the administration, which in view of Manu's definition of *Amātya's* jurisdiction (*amātye danda āyattah* Manu, VII 56) means the authority of the Prime Minister. *Mahā Dandanāyaka* therefore 'vested with the leadership of danda (or administration)' would signify the minister in charge of administration or the Prime Minister. This appears to be the more natural interpretation as against the one given by Fleet i.e. 'the leader of the forces' (CII, III p 16 n), for the ministers who bear that title in the inscriptions were civilian officers as proved by their other titles. Further, in that period the military minister seems to be designated *Baladhikrit* (*Ibid* p 210) and *Mahā Baladhikrit* (p 109).

The rule of transfer noticed above is illustrated by the occurrence of the ministerial designations in the documents of the period. Harishena who as the great inscription of Samudra Gupta says (Fleet, CII III 10), was closely associated with the Emperor and who is described to have gained inspiration for his *Kāvya* from that association, was *Mahā Dandanāyaka*.

<sup>1</sup> *MEA. Kumbh Sāsti* ch. 83 7 11

He had been a Junior Minister of Diplomacy before. But at the time the Kāvya of Harishena was actually inscribed he was no more Mahā Dandanāyaka. At that time the office was held by another learned gentleman, Tila-Bhattaka. Past ministers were allowed the courtesy of the employment of their late official designations in official documents, e.g., the father of Harishena who had been Mahā-Dandanāyaka in former times is mentioned with that designation in Samudra Gupta's record.

§ 323 Charters of grant made by kings in the Gupta period are countersigned by one of the ministers, <sup>Chartered countersigned by ministers</sup> the *Sāndhi vighraṇika*. According to Brihaspati a document of gift should obtain the endorsement *jñātammayā* or "noted by me" from the office of the *Sāndhi vighraṇika*. Brihaspati's law code was a work of the period and this provision is of importance. It shows that the charters which bear the name of that minister or his office were really noted by his department. This procedure throws light on the constitutional position of the ministers in that period. Even a humble gift had to be sanctioned by the ministry and it was sanctioned on their behalf by the *Sāndhi vighraṇika* who apparently had to consider whether the gift was right from the point of view of the foreign department. Donees might be outsiders come in the kingdom. They might be enemy spies, the foreign office, therefore, was the first authority to sanction or to reject the gift which would be passed as a matter of course by the other members of the government. The charters bear the countersignature of the officer or his assistant who passed it last. He is called *Dūta lā* or 'despatcher'. The copper plate grant made by King Hastin in the year corresponding to 510 A.C. is first sanctioned by Mahā-Sāndhi vighraṇika Vidhudatta and finally passed by the senior minister of army, Mahābalā-

<sup>1</sup> Quoted by *Vijayitodaya*, p. 102.

<sup>2</sup> *C.I.I.*, III 103

d h i k r i t, Nāgasimha, who signs as the D ū t a k a. Another grant made by a contemporary of Hastin<sup>1</sup> is signed by a man who has no official title, it is not countersigned by any minister and it is recorded to have been made on the oral order of the ruler. The charter has no *dūtaka* either. It is evident that the grant did not pass through the Council as there was no written order of the ruler. It might have been made from the private lands of the donor.

§ 324 It is a known fact that Ceylon had numerous institutions in common with India. In fact both had practically the same civilization, and from that point of view Ceylon was a part of India. A Ceylonese friend of mine has often told me that the history of India can never be complete without the history of Ceylon. It must be admitted that it is true. Here we have an illustration. In India while we lost our institutions under stress from outside and decay from within, they lived longer in the island girt by the great sea moat. As late as the middle of the 10th century A C the orders issued by the king are orders of the Supreme Council or His Majesty in Council (*Sabhā*). All the members of the Council sign the document. See for instance the record of king Abhūśīlamevan edited by my friend Mr Wickramasinghe in *Epigraphia Zeylanica*, Volume II, p 1, where the whole council conjointly makes the gift the grant of privilege.

"Whereas it was decreed by His Majesty in Council, we, "all of us, namely, Maniṭṭa, Kūhyem and Gangulhusu Agaboyim . and Kavasīlangā Gavayim have conjointly with "due inaugural ceremonies (*abhūshekadi*) granted (the following "immunities to the village Itnarugama in the district of .  
" " (p 5)

<sup>1</sup> *Ibid.*, p 115.

## CHAPTER XXXII

### Law and Administration of Justice

§ 325 Apart from the operation of the Coronation Oath, the checks and limitations imposed by the King under the Law the Paura Jānapada and the Council, there was the all powerful Law, the Common Law of the Hindus, which is declared again and again to be above the king and as the king of kings<sup>1</sup> In Manu the king is made liable to be fined<sup>2</sup> His powers and obligations are defined in the law sūtras and law books as part and parcel of the law (in chapters on Constitutional Law, the *Rājadharmā* or 'Laws for Kings') Even in the palmiest days of Hindu Monarchy, neither in the Mānava-Dharmasāstra nor in the Artha sastra, was the king placed above the law He could make new laws according to the Artha Śāstra, according to Manu he could not do so, but when he could make laws he passed only regulatory laws<sup>3</sup> and not laws substantive or laws making him arbitrary

The judges in Persia under Cambyzes "found a law that the "Persian king might do whatever he pleased"<sup>4</sup> But such a finding was impossible to be come to by Hindu judges and lawyers, so much so that even the author of the Artha-Śāstra tells his prince that destruction befalls an arbitrary king<sup>5</sup>

§ 326 The administration of justice under Hindu monarchy  
Judiciary and remained always separate from the executive,  
Executive separate and generally independent in form  
and ever independent in spirit The reason for this

<sup>1</sup> See the quotation in the *Īgarashā Dārpāna*

<sup>2</sup> Where common man would be fined one *kāśhāpāna* the king shall be fined one-thousand; that is the settled law VIII 336

आर्षापणं भवेद्व्यस्य दद्यात् राजतो जन ।

तत्र राजा भवेद्व्यस्य सप्तमिति आरषा ।

<sup>3</sup> *Arthashastra*, Bk 1, ch 3, 3 (p 11)

<sup>4</sup> Rawlinson, *Herodotus* II p 408.

was that it was the lawyers who were appointed Judges, and lawyers as a rule were from amongst the Brahmins. It was in the classical period (1,000 B C—500 B C) while the Hindu king was putting or had put on a new garb, that the Brahmin transformed himself from the humble position of the 'Repeater of Songs' ('Brāhmana') into a political estate. The priest Brahmin became distinct from the Brahmin of politics and ordinary life. The two divisions are clear in the *Satipatha Brāhmana*. At the coronation ceremony, as we have seen, after the consecration the priest as such does homage to the king and the Brahmin as an estate of the Society does homage along with the Kshatriyas and others. The class which was midway between the priestly and the non priestly Brahmins was of the *Mahāsila Brahmins* (§ 282) the Brahmins of study and action. They mainly devoted their energies to sciences like *dharma*, law, politics and cognate subjects. In the *Jātakas* we have the *Purohita* politician and Brahmin ministers as embodiments of political wisdom and moral rectitude. To this class belonged the judges. Under the common law the culprit who had committed a crime was to be punished by the king. But under *dharma* law he was also to be punished for the sin implied in the crime.<sup>1</sup> The latter jurisdiction was relegated to the Brahmin. Not only that he was an expert in the matter but also as Brahmin culprits were to be dealt with they were to be judged by one who was their equal and who could have no hesitation in punishing them in matters of *dharma* delinquency. The Brahmin for the *dharma* administration was thus absolutely necessary. We find this jurisdiction being exercised by the *Purohita* in the *Jātakas*. He at the same time heard and decided sitting along with other officers (probably non Brahmins) cases of secular law. Law proper and law ecclesiastical in administration tended to unite into one and unite in the hand of the Brahmin judge. And the Brahmin was fairly above the influence of the king.

<sup>1</sup> [This is discussed in my Tagore Lectures V.]

'rest is in the hands of the king'. It was the jury's separate province (*karma proktam prithak prithak: Brihaspati*) to consider the truth or otherwise of the cause brought before the court. Thus even when justice was dispensed by royal judges there was a safeguard against the leanings of the judge.

§ 328. We have already seen that the king by himself was not allowed to hear cases.<sup>2</sup> He heard cases sitting in his Council which included the Chief

King-in-Council as Judge

Justice. These were cases which went on appeal to him as the highest court of appeal.<sup>3</sup> This is indicated by the authorities quoted below, and still more clearly by the case decided by King Yaśaskara noted in the *Rājatarāṅginī* (Ch. VI). The appellant had lost his case in all the lower courts and now he appealed from the judgment of the Justices to King Yaśaskara. He heard it in Council along with the judges of the capital who had already heard the matter. The practice of the king hearing original cases must have been given up very early as there is scanty evidence showing that it was ever done in post-Vedic times.

As the king could not govern by himself personally, so he was not allowed to administer justice, as pointed out above, by himself. This was not only the opinion of the code-writers but also the opinion of the constitutional lawyers who prohibit the king to decide causes by himself.<sup>4</sup>

<sup>2</sup> वार्यं वाददत्त ! निर्णये वर्यं प्रमाणात् । श्रुते तु राजा । Act IX.

<sup>3</sup> Nārada Intro. I 35 'माद्विवाकमते स्थितः', Brihaspati, I. 24., 'सम्यग्वाक्यमते स्थितः' (*Smṛiti Chandrika*)

<sup>4</sup> Nārada, Intro I 7, Brihaspati, I. 29, Yājñavalkya, II. 30.

<sup>5</sup> *Sukranītiśara*, IV. 5. 5 6,

धर्मशास्त्रादुच्चारितं श्रोतव्यमविश्रम्भितः ।

समाद्विवाकः सामान्यः सत्ताद्वयपरोक्षितः ।

समाहितमतिः परमेश्वरद्वारा बद्धमात् ॥

मेकः परमेश्वर कार्यान्वि वादिनीः नृपधारणः ।

रद्वि नृपः शत्रुः सत्ताधैव कदाचन ॥

§ 329 { In theory the king always presided over the court, whether he was present there or not<sup>1</sup> The decree given under the seal of the court was called a document given by the king When a man was summoned to attend the court it was supposed that the king called him The language of the law books invariably employs the word 'king' as doing all matters of legal execution, and the commentators explain that the 'king' there means only the officer \

§ 330 { Records of cases decided were kept Such records are mentioned as early as the Jātakas *Vimśchaya pustaka* is mentioned in vol III, p 292 Even laws of procedure of a monarchy inscribed on gold tablets are referred to in vol V, p 125 That the records were kept in the time of the law books is evidenced by themselves<sup>2</sup>

§ 331 According to the ideal which prevailed in the time of the Jātakas right administration of justice resulted in a fall of litigation<sup>3</sup> Of course the same result would follow equally from an unjust administration There is however no allusion to such a state of affairs Constitutionally the latter was impossible in view of the legal sanction<sup>4</sup>

§ 332 An incidental reference to actual administration of justice is found in the Pāli Canon It throws a flood of light on the purity of justice, discloses a real rule of law

In the Vinaya Pitaka, Chullavagga, VI 4 9, the case of the Anātha Piṇḍika *versus* Jeta, the Prince Royal, which was decided by the Court of Śrāvastī, the then capital of Oudh, is related to show the great devotion of the Anātha Piṇḍika to the Sākya Teacher and not to record any extraordinary judicial decision Sudatta, who was generally called the Anātha Piṇḍika ("Orphans'

<sup>1</sup> *Vivastrotādaya* pp 30 42 Manu, VIII 1 19

<sup>2</sup> *E g.*, see *Vasishtha* p 65

<sup>3</sup> *Jātaka* II p 2

<sup>4</sup> Manu, VII 28, *Bṛhaspati* II 28 of the revolution related in the *Mṛgśāstra*

co-parcener"), on account of his kindness to orphans, was an ordinary citizen—a *grihapati*—a leading and rich merchant; Jeta was one of the princes of the blood. The latter had a garden "not too far from the town and not too near, convenient for going and coming . . . well-fitted for a retired life." The liberal Anātha-Piṇḍika thought of buying this garden for the use of the Buddha whom he had invited from Rājagṛiha. He went to the Prince Jeta and said to him, "Your Highness, let me have your garden to make an Ārāma (rest-house) on it." "It is not, O gentleman, for sale, unless it is laid over with crores (of money pieces)." "I take, Your Highness, the garden (at this price)."

"No, gentleman, the garden has not been taken." "Then they asked the lords of justice whether the garden was bought (lit., taken) or not. And the lords decided thus: 'Your Highness fixed the price and the garden has been taken'."

On obtaining the decree while the Anātha-Piṇḍika had a part of the garden covered with gold coins, the rest was relinquished by the Prince without further payment.

Here we have a Prince and a private citizen submitting their case to the law court and the court deciding against a Royal Prince, and the Prince accepting that decision,—all as a matter of course. The case attracted attention not for the principle of offer and acceptance, not as illustrating the independence

<sup>1</sup> Text—Ch. VI, 4, 9.

उपवह्निना जेतं कुमारं पतद् अवीरः दीदृशे मे अय्युज उय्याम वारामं कायुम् वि । अदीयो गहपति वारामी अपि कोटिचयरेण वि । गहिती अय्युज वारामी वि । न गहपति गहिती वारामी वि । गहिती न गहिती वि बोधारिके महात्मने पुच्छित । महात्मना एवम् आहंसु यतो दया अय्युज वमूरो वतो गहिती वारामी वि ।

The above has been translated in the Sacred Books of the East, XX pp 187-189, by Messrs Rhys Davids and Oldenberg as follows:—"He went to Jeta the Kumāra, and said to him, 'Sir, let me have your garden to make an Ārama on it' 'It is not, sir, for sale, even for a sum so great that the pieces of money would be sufficient to cover it if they were laid side by side' 'I take, sir, the garden at the price' 'No, O householder, there was no bargain meant' Then they asked the lords of justice whether a bargain of sale had been made or not And the lords decided thus: 'The Ārama is taken, sir, at the price which you fixed' "



'community and where jurisprudence should be followed, 'and the *Prādhīnāka* then (lit, 'having considered and ascertained 'these') shall always advise the King '1

The Minister of Law, on the other hand, who is elsewhere called the *Dharmādhikārin*, is called the *Pandita* (the Learned Minister) in the *Sukraṇiti* and his duties are thus defined

'The *Pandita*, having considered what ancient and present laws are at present followed by the community, which of them are approved in the codes and which laws now offend against jurisprudence, and which of them are opposed to the community and jurisprudence, shall recommend to the King laws which 'secure happiness both here and hereafter '2

Thus affords a glimpse into the Hindu method of legal reform. Hindu Law was normally considered traditional and as such could not, in theory, be altered by direct or avowed changes introduced by the State. The law was, however, occasionally altered by direct legislation<sup>3</sup> and more generally by interpretation and also by new treatises fathered on ancient names *eg* the *Nārada Smṛiti*. Over and above these there was the agency of the two law ministers. The ministers rejected such laws as having regard to the circumstances of the community and public weal were deemed undesirable to be put into operation. They also took into consideration the popular view with regard to the current laws. This method of legal pruning and regard for the popular opinion resulted in the modification of laws and in effect acted as new legislation. It may not be unlikely that the different treatises on Hindu Law differing from each other

<sup>1</sup> साधिमिर्लिखितैर्गोपेन्द्रेणैवैवमानुषान् ।  
 सगोपादितैर्गोपेन्द्राद्यवधारान् विचिन्त्य च ॥  
 दिव्यसंसाधनादिभिरेव किं साधनं परम् ।  
 युक्तिमन्वयानुमानोपमानैर्लोकमाकलयन् ॥  
 यदुपपन्नमसिद्धान् विनिश्चित्य समाधितम् ।  
 सदाभ्य माह्विषयाकस्य यय संवीक्ष्येत् सदा ॥

*Sukraṇiti* II 93-98

<sup>2</sup> यत्समासाद्य प्राचीना चर्मा वि लोकावहितम् ।

<sup>3</sup> See App D

and modifying earlier laws might, after all, have been the works of Ministers of Law }

§ 333 {The most pronounced feature of Hindu Polity was the *Sabhā* dominating position of Law throughout history. It was so when the law was administered by the communal *Sabhā* and it remained so when the law was administered by the royal *Sabhā*. The *Sabhā* had not the same history as the 'Court'. It was not an outcome of the King's household but of the Vedic folk-assembly. History was against a possibility of the *Sabhā* becoming the foot-stool of the throne. When it became the king's right and duty to maintain the administration of justice, he exercised it in accordance with the condition laid down and accepted through the Coronation Oath. He had to administer scrupulously the law of the country. Then, there was the Brahmin agency which always balanced and counterpoised the estate of sword and the estate of wealth. When undue interference was feared, it was laid down that the king must abide by the opinion of the *Prādvivāka* <sup>1</sup>

शास्त्रेषु के समुद्दिष्टा विषयानि च केऽप्युक्ता ॥

लोकशास्त्रविहता के पण्डितान् विहित्य च ।

नृपं संबोधयेत् तेष परमे च सुप्रभदे ॥

*Sukraniti* II 99 100

<sup>1</sup> प्राद्विवृताकमेव स्थित — *Nārada* see above Pt II p 125 For details on the administration of justice the reader is referred to the author's *Tagore Law Lectures*

## CHAPTER XXXIII

### Taxation

§ 331. ¶ The Hindu theory of taxation is of immense importance from the constitutional point of view. Taxes *Fixed taxes* had been fixed by Law and the scales had been embodied in the Sacred Common Law. The consequence was that whatever the form of government, the matter of taxation was not an object of the ruler's caprice. No friction could therefore legally arise between the Crown and the People on the question of taxation. The main source of friction and of oppression was thus guarded against. ¶

That the constitutional law of taxation was a living law *Legal effect* regulating life, is borne out by pieces of historical evidence. For instance, in the inscription of Queen Balaśrī of the Śātavāhana family, it is proclaimed that *her son levied taxes in accordance with the sacred law*. Other inscriptions point to the same conclusion.<sup>1</sup> Literature has some curious instances proving the inviolability of the taxes fixed by the law. Chandragupta the Great had to raise money, presumably for his intended war with Seleukos. He and his great Chancellor Kauṭilya were at their wit's end to collect a sufficient amount of money; the legal taxes were not productive enough for the purpose. They had to, as is evident from the Artha-Śāstra, take recourse to odd methods, which demonstrate the majesty of the law on the one hand and the inconvenience of a rigid legal revenue on the other. Chandragupta asked his people to give

<sup>1</sup> Archaeological Survey Report of Western India, Vol IV, p 103 ;

*Ep Ind.*, Vol VIII, p 60, अशोकसम्राट् विजययोग कर्त्तव्य—l. 5, p 41 line 14

Cf also 'That avacious king, who foolishly oppresses his subjects by levying taxes not sanctioned by the Śāstras, is said to wrong his own self'—*Mahā Bhārata, Śānti, LXXI, 15*

him money as a 'token of affection' (*Pranaya*). He also raised money from temples<sup>1</sup> Patañjali writing under the reign of Pushymitra while commenting on Pāṇini, V 3 99, humorously remarked that the Mauryas who wanted gold raised it by instituting images of gods for worship<sup>2</sup>. In the Jaina tradition, Chāṇakya is alleged to have issued eight hundred million debased silver coins called *kārshāpanas* to fill the treasury. All these facts indicate a very great urgency, and at the same time a scrupulous respect for the letter of the law.

§ 335 { The revenue raised by taxes was under the control of the Council of Ministers who were also vested with the power of collecting the revenue | As early as the fourth century B C, as we find from Megasthenes (§ 316), the department of the Exchequer was under the Ministry, whose history does not begin there but goes back to the Vedic Ratnins and the Ratnin Treasurer. The evidence of Bhāradvāja (§ 317) is also decisive and goes back beyond the fourth century B C. The Ministry collected revenue and disbursed expenditure according to him.

§ 336 { Apart from the question of amount and collection of taxes, the taxes themselves were regarded in Hindu politics as wages of the king for the service of administration }  
Taxes as king's wages

वसिष्ठः न युष्मन् हण्डनाद्यापराधिनान् ।

शास्त्रानुवीनेन लिख्यं वा वेतनेन धनमायमम् ।

"The one sixth *Bali* tax, import and export duties, fines and forfeitures collected from offenders—gathered in accordance with the *Sāstras* (law and constitution), as your wages '(*vetanena*), shall constitute your revenue."

Nārada also ordains

"Both the customary receipts of a king and what is called 'the sixth of the produce of the soil, form the royal revenue, the "reward for the protection of his subjects".<sup>4</sup>

<sup>1</sup> *Arthashastra* pp 241 2

<sup>2</sup> *MBH Śānti P LXXI 10*

<sup>3</sup> *Jayaswal IA 1918 p 51*

<sup>4</sup> *Nārada XVIII 48 (Jolly)*

The theory is as ancient as the Artha-Sāstra of Kaṭilya (300 B.C.), or we should say, it is anterior to 300 B.C. for it is quoted in the Artha-Sāstra. The taxes were regarded as the wages of the king, the wages which were fixed according to the theory mentioned above (§ 267) by the original contract between the first King and the People. The broker to that contract, according to the theory, was the Creator himself. It was He who recommended Manu to the People for election.

§ 337. The wage-theory was further developed by political scientists and turned into what we may call a <sup>Divine theory of taxation</sup> divine theory of taxation. I cannot do better than quote that theory in the language of the scientist himself :

समागम्य दायत्वे प्रजानां च नृपः कृतः ।

ब्रह्मणा स्वामिरूपस्तु पालनार्थं हि सर्वदा ॥

"God has made the king, though master in form, the servant of the People, getting his wages (sustenance) in taxes for the purpose of continuous protection and growth."<sup>1</sup>

In other words, the Master-Servant of the People has his wage or maintenance fixed by divine authority: he was not to take more, for he was not entitled to more. The Subject, really the Master, was bound to "protect" the king, as promised by the priest on his behalf at the coronation (§ 224) by giving him his lawful maintenance, his share (*Svabhāga*).

Here we have the arguments (§ 244) of the Mānava-dharma-Sāstra turned to yield a divine origin of king's servitude. Diamond cuts diamond. In the land of Uśanas and Bhāradvāja, a theory ascribing divine personality to kingship—a potential licence for autocracy—could never be tolerated. It was opposed to the trend of past history. Hence to cut 'Manu' the teacher of men, the Hindu sought out 'Sukra' the Teacher of Gods.

§ 338. The theory that the taxes were wages for protection

<sup>1</sup> *Sutrāntīkāra*, I 188

was so ingrained in the constitution that even partial failure of protection was deemed to entitle the subject to claim refund of wages in proportion to the loss. And those claims, as we have seen, had to be allowed either in the shape of concessions or actual payment (§ 281). The subject thought that the servant-king was not fulfilling his obligation. He thought that the compact was not fully kept and he threatened, as the *Artha Śāstra* says (XIII 1, p 394), to migrate to the enemy country. In other words, the subject threatened to transfer allegiance. The *Mahā-Bhārata* says the same thing when it sanctions the abandonment of that king who fails to protect.<sup>1</sup> He is like a ship which leaks, that is, dangerous to remain with, and he is like the barber who wishes to go to the forest, evidently to become an ascetic. The barber has left his clientele and master, and broken his contract of service. He is fit to be given up and another barber is to be appointed to the household. Similarly the king who failed in his duty was worthless, fit to be given up. The relation between the king and the subject is proved to have ended by the very fact of the former's incapacity. The tie of allegiance is deemed dissolved the moment the king failed to fulfil his duty of protection, and the subject was free to employ

<sup>1</sup> राजानं प्रथमं विन्देत् ततो भार्यां ततो धनम् । ४१

\* \* \*

प्राचैतसेनं मनुना श्लोको विमातृदाहृतो ।

राजधर्मेषु राजेन्द्र ताविष्टैकमना द्यूतम् ॥ ४३

पदेतान् पुत्रयो जघामिन्द्रां नारविनायकैः ।

अपवकारमन्त्रायमनधीयानमृत्विजम् ॥ ४४

परचितारं राजानं भार्यां परं प्रियवादिनेम् ।

यामकामं च गोपालं वनकामं च प्रापितम् ॥ ४५

XII 57 (=56 Kumbakonam),

The *Manu* cited here is the author of a work on politics called evidently *Rājadharmasūtra*. The work which was probably of a school is quoted by Kautilya as the *Mānavasūtra*.

another servant-master instead. This was a natural corollary to the theory of taxation and the king's legal position.

§ 339 The canons of taxation settled by constitutional writers agree with the telos for which Hindu state was created, namely, 'for prosperity, land-culture, wealth and well being' (§ 227).

The main stay of revenue was the king's fixed *bhāga* or the 'share' of produce of agriculture. His 'share' in merchandise sold in the market was 'one tenth' or so according to circumstances. There were however some other sources of revenue which are at present called excise and customs (*sulka*). In the regulation of these the king had a somewhat free hand. The later law books attempted even to regulate these by fixed laws. Yet they could not exhaust the list and a greedy or needy sovereign could find some loop hole. The Nandas are accused to have taxed hides or furs. Evidently these articles had not been taxed before. There was a vast trade in skins or furs between the Magadha Empire and the Himalayan countries as the *Artha Śāstra* proves.<sup>1</sup> These imports when taxed by the predecessors of Chandragupta give rise to accusations of greed. Evidently it was with reference to such occasions and opportunities and the realization of the *bhāga* in general that canons of taxation were evolved and settled.

The general principles of Hindu taxation are

- (1) In taxation the king 'should not by greediness destroy his own foundations as well as those of others'.<sup>2</sup>
- (2) Subjects may be taxed in a way that they may remain strong to bear future burdens and, if necessary, heavier ones. "If the calf is permitted to suck 'it grows strong, O Bhārata, and can bear (heavy weight) and pain." The king should mulch taxes

<sup>1</sup> Cf. Manu VII 130-132. Gautama X 4-27. Vasubandhu XIX 26-27. Āpastamba I 10 26 & Vishnu III 22-25. Baudhayana, I 10 18-1. <sup>2</sup> XI 2.

<sup>3</sup> Maha-Bharata, XII 87 18.

नोविद्यादात्मनो मूलं परेषां नापि द्रव्यम् ।

keeping the above principle in view. Over-milching is to weaken the calf and consequently harms the milcher himself.<sup>1</sup>

(3) It is not the heavily-taxed realm which executes great deeds but the moderately taxed one whose ruler not sacrificing the power of defence, manages administration economically.<sup>2</sup> The subjects oppose that king who is extravagant in administration ('eating too much').<sup>3</sup>

(4) The great principle emphasised is that taxation should be such that it may not be felt by the subject. The ruler should act like a bee which collects honey without causing pain to the plant.<sup>4</sup>

(5) In raising taxes higher it should be done 'little by little when the realm's prosperity is increasing'. The process must be mild so that the realm might not turn restive.<sup>5</sup>

*On collection of taxes :*

(6) Taxes should be levied "in proper place", in

<sup>1</sup> *Ibid.*, 87. 20-21 :

वस्त्रोपमो नो गोधनं राष्ट्रमधीकृतद्विना ।  
श्रुतो वस्त्रो जातवस्तः पीडां सृजति भारत ॥  
न कर्म कुरुते वसो धर्मं दुग्धो दुग्धिष्ठिर ।  
राष्ट्रमध्यतिदुग्धं हि न कर्म कुरुते सृजतु ॥

<sup>2</sup> *Ibid.*, 41. 22 :

यो राष्ट्रमव्युत्थति परिरेषतु सधं तपः ।  
संजातमुपशोभस्य क्षमते सुमहत्कलम् ॥

<sup>3</sup> *Ibid.*, 87. 19 :

मद्विपत्तिं परिहृत्य राजानमतिष्ठादिभम् ।

"Eating" (*khad*) is a technical term for taxation even in the Brāhmaṇa period.

<sup>4</sup> MBh, XII c 89. 4 :

समुदीर्घं दुग्धेन्द्राद् भमरा इव पादवम् ।

<sup>5</sup> *Ibid.*, C. 89 7-8 :

अन्धेनान् दिशेन बध्नेमानं प्रदापयेत् ।  
ततो मृदुस्ततो मृधः क्षमश्चिं समाचरेत् ॥  
दमयतिर्बन्ध्यानि मयङ्गात् विबध्नेत् ।  
मृदुपुनः मयने न पात्रानमयचारयेत् ॥



proper time" and "in proper form"<sup>1</sup>  
They should never be realised by a painful mode—  
"milk the cow but do not bore the udders."<sup>2</sup>

*On taxing industries:*

(7) 'Taxes should not be levied without determining the outturn and the amount of labour necessary for its production'<sup>3</sup> It has to be borne in mind that without proper incentive no body would engage in industry<sup>4</sup>. 'What profit (result of production) would keep the producer to the production and produce benefit to the king as well' should be the ruling consideration in deciding upon the amount of taxes to be levied on industries.<sup>5</sup>

(8) In productions of art—materials used, cost incurred, maintenance of the artist required for producing the article, and the condition of the artist have to be taken into account.<sup>6</sup>

<sup>1</sup> *Ibid*, C. 28. 12.,

न चाखाने ना चाकाले करासिन्धो निपातयेत् ।

चानुपूर्व्येण सान्त्वेन यथाकालं यथाविधि ॥

<sup>2</sup> C 88 4.

यथाविधौ दुहेयं व सनाय न विकुटयेत् ॥

<sup>3</sup> *Ibid*, C. 87. 16, M. N. Dutt's translation

फलं कर्म च संप्रत्य ततः सर्वं प्रकल्पयेत् ।

<sup>4</sup> *Ibid*. ; फलं कर्म च निहेतु न कश्चिदप्रवर्तते ॥

<sup>5</sup> Mann VII. 129

यथा फलेन युज्येत राजा कर्ता च कर्मणाम् ।

तथा वेत्य युधौ राजे कल्पयेत् सततं करान् ॥

यथा राजा च कर्ता च स्यात् कर्मणि मागिनौ ।

संप्रत्य तु तथा राज्ञा प्रवेया सततं कराः ॥

<sup>6</sup> M Bh. XII. 37.

चत्सिं दानरति च शिष्यं संप्रत्य आसक्तम् ।

शिष्यं प्रति करानेव शिष्यिनः प्रति कारयेत् ॥

<sup>7</sup> *Ibid*, 14.

*In taxing imports*

- (9) 'Sale (price realised), purchase (capital employed), distance travelled, cost of importing, and the total cost, also the risks incurred by the merchant should be fully considered'<sup>1</sup>
- (10) "Imports harmful to the state" and "luxuries" ("fruitless") are to be discouraged by taxation<sup>2</sup>
- (11) Beneficial imports should be made free of import duties<sup>3</sup>
- (12) Those articles which are rare in the country, and those which would be seed for future production should be allowed in, free<sup>4</sup>
- (13) Certain commodities should not be exported, while their imports are to be encouraged by not being taxed at all. They were, for instance
- (a) weapons and armours,
  - (b) metals,
  - (c) military vehicles,
  - (d) rare things,
  - (e) grains, and
  - (f) cattle<sup>5</sup>
- (14) *Principle of excise or countervailing duty was resorted to in certain cases*
- Foreign favourites and private manufactures in wines and liquors were taxed on the principle

<sup>1</sup> *Ibid.*, 13=Manu VII 127:

विक्रय कथमन्वात मत्त च सप्रविश्याम् ।  
योग्येन च समस्त्य भविता कारयेत् करान् ॥

<sup>2</sup> *Artha-Sāstra* II 21 (p. 112)

राष्ट्र प्रोत्साहक माण्डमुन्निष्यादकल च हत् ।  
महोपकारमुत्पुल्ल कृषीशोऽनृ दुलभम् ॥

<sup>3</sup> & <sup>4</sup> *Ibid*

<sup>5</sup> मत्त वशं कथय श्रीह रय रत्न भाष्य पण्डितानन्दमननिवासायम् etc *Artha-Sāstra* II, .1: 29 (p. 111)

of 'compensation' with reference to the state manufactures.<sup>1</sup>

Economic considerations are everywhere prominent. Productive power is not to be hampered; profit and not capital is to be taxed; articles which lead to new industries are to be encouraged; exports which cause "artificial" prosperity by driving up prices are to be discouraged; no special protection is granted to ordinary industries; taxes should be gradual, and with reference to capacity, and not in an obnoxious form.

<sup>1</sup> *Ibid*, II, 25: (p. 121).

अराजपण्याः पञ्चकं मतं एतत् दद्युः । सुरकामंदकारिण-मधुकलाद्यामश्रीभूता च ।

अहय विक्रयं व्याजौ प्राप्ता मानदिरख्यौ ।

तया वैधरणं कुप्यादुषितं चातुर्वर्तयेत् ॥

*In taxing imports :*

- (9) 'Sale (price realised), purchase (capital employed), distance travelled, cost of importing, and the total cost, also the risks incurred by the merchant should be fully considered'<sup>1</sup>
- (10) "Imports harmful to the state" and "luxuries" ("fruitless") are be discouraged by taxation.<sup>2</sup>
- (11) Beneficial imports should be made free of import duties<sup>3</sup>
- (12) Those articles which are rare in the country, and those which would be seed for future production should be allowed in, free.<sup>4</sup>
- (13) Certain commodities should not be exported, while their imports are to be encouraged by not being taxed at all. They were, for instance :
- (a) weapons and armours,
  - (b) metals,
  - (c) military vehicles,
  - (d) rare things,
  - (e) grains, and
  - (f) cattle.<sup>5</sup>
- (14) *Principle of excise or countervailing duty was resorted to in certain cases.*
- Foreign favourites and private manufactures in wines and liquors were taxed on the principle

<sup>1</sup> *Ibid.*, 13=Manu, VII 127:

विक्रयं कयमध्यामं भक्तं च उपरिव्ययम् ।

योगसेमं च संमेल्य वणिजो कारयेत् करान् ॥

<sup>2</sup> *Artha-Sāstra*, II, 21 (p. 112),

राष्ट्रपोषाकरं भास्यमुच्छिष्टादफलं च यत् ।

महोपकारमुत्तुङ्गं दुर्षादीनां तु दुर्लभम् ॥

<sup>3</sup> & <sup>4</sup> *Ibid.*

<sup>5</sup> इन्द्र वरुण अश्विन भृगु रथ रज धातु-वयसावस्यतममग्निर्वायम् *etc.*, *Artha-Sāstra*, II, 21: 39 (p. 111)

of 'compensation' with reference to the state manufactures.<sup>1</sup>

Economic considerations are everywhere prominent. Productive power is not to be hampered; profit and not capital is to be taxed; articles which lead to new industries are to be encouraged; exports which cause "artificial" prosperity by driving up prices are to be discouraged; no special protection is granted to ordinary industries; taxes should be gradual, and with reference to capacity, and not in an obnoxious form.

<sup>1</sup> *Ibid*, II, 25. (p 121).

अराजपण्याः पञ्चकं महं दुष्कं ददुः । सुरकारिदकारि-मधुपलाखानशौधुनी च ।  
अरुप विक्रयं व्याप्री मात्वा मानदिरण्यीः ।  
तदा वैधरणं कुर्याद्वितं चातुर्वर्त्यम् ॥

## CHAPTER XXXIV

### Economics in Government and Theory of Ownership in Land

§ 340 Measures are enjoined in the chapters on taxation for the suppression of certain classes of persons who are regarded as economic enemies. Publicwomen, gambling establishments and gamblers, theatrical, and similar parasites were to be controlled,<sup>1</sup> beggars and burglars to be eradicated,<sup>2</sup> and usurers to be discouraged.<sup>3</sup> Agriculturalists were especially to be protected from the parasites.<sup>4</sup>

Monks and Monasteries were regarded as another economic evil.

"No wanderers other than men who have reached the hermit stage, no (*saṅgha*) corporate community—[i.e. the Buddhist Saṅgha and the like,] other than that of the *Sajātas* [village people] no union formed on mutual compact other than those of merchants, shall be allowed to establish themselves in the country. Nor shall there be Halls [religious], rest-houses and 'Vihāras' (*Artha Śāstra*).<sup>5</sup> Men leaving society and becoming monks before they had provided for their family were similarly treated. They were arrested and punished. Only those who had passed the age of manhood were allowed to become monks under the orthodox administration.<sup>6</sup>

<sup>1</sup> *Mih.* XII 88 14 17

<sup>1</sup> *Ibid* 17 24

<sup>2</sup> *Mih.* XII 88 16

<sup>3</sup> *Artha Śāstra* II I (p. 49)

<sup>4</sup> *Artha Śāstra* II I p. 49 Compare the *Sajātas* in coronation ceremonies § 232.

<sup>5</sup> *Artha Śāstra* II I p. 49 (also those who make women nuns were punished with the highest criminal amercement)

<sup>6</sup> *Artha Śāstra* II I p. 49

*Artha Śāstra* also lay down restrictions on leaving one's home

§ 341 In the art of government the first lesson taught to the ruler was that on economics depend government and freedom of the country.

Economics in  
Government

(a) "कृषि पाशुपाख्ये वणिज्या च वार्ता ।

तया स्वपच परपचं च वशीकरोति कोशदण्डाभ्याम्" ।

AS, p 3

Agun,

(b) "अर्थानर्थो वार्तायाम्"

(c) "वार्तया धार्यते सर्वम्"

वार्ता वै लोकसंश्रया"

(d) "वार्ता वै लोक संश्रया"

(a) "Agriculture, cattle culture, and commerce and trade comprise the [Science (*vidyā*) of] Vārtā Success in that leads through Exchequer and military power to the control of 'one's own state as well as one's enemies' "

(b) अर्थानर्थो वार्तायाम् (Artha Śāstra) (II, p 7) "In Economics lies politics as well as the reverse of politics "

(c) वार्तया धार्यते सर्वम् (Mahā Bhārata, Vanā Parvan I 50) "By economics the whole [body politic] is held "

(d) वार्ता वै लोकसंश्रया (Kāmandakya IV 27) "Vārtā is the shelter of society "

Therefore Rulers had to give their best thoughts to Economics To maintain an economic government was part of their duty In fact it came first in the division of their duty, and this position is quite in conformity with the coronation declaration

'This state to thee (is given) for agriculture, for well-being, for prosperity, for growth' (§ 227)

The word 'pālana' which is employed in classical literature to denote the duty of the king combines the two elements: 'seeing to the growth' and 'protection in general.' The second is a corollary from the first which alone is found in the Vedic formula. Hence policy was directed to keep up and develop the *Vāntā* or National Economy.

§ 342. To secure the economic prosperity of the country Policy towards the mercantile class were treated with particular attention and solicitude.

"The power of production in the merchants should be always encouraged. They make the Realm strong, enhance agriculture, and develop its trade. A wise king should be favourable to them in a studied manner . . . . . There is no greater wealth in a kingdom than its merchants."<sup>1</sup>

Again, "the king should always honour those who have earned wealth. He should give them feasts, drinks, and robes of honour. In every realm the wealthy form an estate (*anga—limb*)"<sup>2</sup>

<sup>1</sup> अजसमुपयोक्तव्यं फलं गोमिषु भारते ।

प्रभावयन्ति राष्ट्रं च व्यवहारं कृषिं तथा ॥ ३८

तथागोमिषु द्रव्येन मोतिं कुर्वन्निषत्तयः

दयावानप्रमत्तश्च करान् संप्रचयन्मुद्रन् ॥ ३९

\* \* \* \* \*

नक्षत्रः सदृशं किञ्चिद्दलमस्ति दुर्दिष्टिर ।

—MBh, XII, 87, 39 40.

<sup>2</sup> *Ibid*, 88, 29-30,

अग्निः पूजयेद्दिश्वं पानाश्चादनमोजने . . . अङ्गमित्यङ्गद्राव्यं धनिनो नाम भारते ।



§ 343 The State at times worked large industries. They were worked by State departments. Both the State industries Artha Śāstra and the Mānava dharma-Śāstra have departments of *Ākara* and *karmānta*, mining and manufactures. From them the State gained first-hand industrial experience for its economic administration, and at the same time the income of the State was greatly enhanced. It saved the statesmen, partially at any rate, from the necessity of 'begging' 'affection' tax from the people for war preparations and cognate purposes.

§ 344 { Hindu politicians disliked direct taxation. They had practically no direct tax on the key note of the policy direct tax in their system except the produce tax. Even the produce-tax in its last analysis was an indirect tax. Import duties which were exclusively 'indirect' in their incidence were the next great tax after the produce tax. Export duties were few and they were more of administrative than revenue levies. Generally those articles which were not encouraged to go out were taxed as exports. The next great source of revenue was the mining industry. The State under Chandragupta and earlier generally nationalized the industry. But in the Mānava Code (VIII 39) mining is open to the public. The tax demanded, however, is still heavy. A tax of 50% is laid down, on the principle that mine is like treasure trove which belongs as much to the State as to the person who finds it. A tax for protection, as in any other case, is deemed but lawful, for the king is the protector of both the upper and sub-soil (*adhi pati* 'bhumeradhipatiḥ hi saḥ,' Manu, VIII 39). Medhātithi in explaining the law of the Mānava Code says that although no one knows what is there in the land and the government has to do very little guarding there yet as there is a likelihood of the whole land being taken away by a strong enemy,

the king is entitled to his 'share' for this constructive protection.<sup>1</sup>

§ 345. This leads us on to the important Hindu theory on the proprietorship in land, which is connected with taxation. It is not so connected in Hindu politics in the slightest degree but in the controversy of the present day raised by Indianist politicians and scholars. Some of these writers have confidently asserted that property in the soil, according to the Hindu view always vested in the Hindu sovereign. The fact on the other hand is that this is exactly the reverse of the Hindu theory on the subject. The writers unconsciously have read their own feudal law into Hindu jurisprudence. Nothing is so distant from Hindu law as this theory. Any one who is conversant with the general tendency of the principles of Hindu law in constitutional matters would not believe his eyes even if he be given a Śloka in support of the feudal theory. Numerous instances of gifts and sales of land by private individuals can be given from the earliest literature. Law books give provisions for sale of land in full acquirement of proprietary right (*śāmya*) by prescription. Inscriptions proving to the hilt private property in the soil are extant. Above all it is expressly and emphatically declared that the king has no property in the soil and this is declared in no less an authority than the very logic of Hindu law, *Mīmāṃsā*. I give below the discussion from Colebrooke's essay on *Mīmāṃsā*.

"A question of considerable interest, as involving the important one concerning property in the soil in India, is discussed in the sixth lecture

<sup>1</sup> Bühler (*S B E* XXV p 260 n) gives a mutilated passage of *Medhātithi* and makes him say what he does not mean. The real portion is left out. *अत्राहुरववादिनि यद्यपि धितो निवृत्तः केनचिदज्ञानात् राजकीयरेखापुन्यते तथापि तस्य स्वत्वतापहारः समाच्यते अतीत्येव बोधायन आदयश्च एतद्वदेवाह मूर्तिरविधितिः स ।*

<sup>2</sup> *Eg, I A* 1910 p 199

"At certain sacrifices such as that which is called Viśwajit,  
 "the votary for whose benefit the ceremony is performed is  
 "enjoined to bestow all his property on the officiating  
 "priests. It is asked whether a paramount sovereign shall  
 "give all the land, including pasture ground, highways  
 "and the sites of lakes and ponds? an universal monarch the  
 "whole earth? and a subordinate prince the entire province  
 "over which he rules? To that question the answer is: The  
 "monarch has not property in the earth, nor the subordinate  
 "prince in the land. By conquest kingly power is obtained,  
 "and property in house and field which belonged to the enemy.  
 "The maxim of the law, that 'the king is the lord of all  
 "excepting sacerdotal wealth,' concerns his authority for  
 "correction of the wicked and protection of the good. His  
 "kingly power is for government of the realm and extirpation  
 "of wrongs; and for that purpose he receives taxes from  
 "husbandmen, and levies fines from offenders. But right of  
 "property is not thereby vested in him, else he would have  
 "property in house and land appertaining to the subjects  
 "abiding in his dominions. The earth is not the king's, but  
 "is common to all beings enjoying the fruit of their own labour  
 "It belongs, says Jaimini, to all alike;  
 "therefore, although a gift of a piece of ground to an  
 "individual does take place, the whole land cannot be given  
 "by a monarch, nor a province by a subordinate prince, but  
 "house and field acquired by purchase and similar means,  
 "are liable to gift" <sup>2</sup>

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<sup>1</sup> The text referred to by Colebrooke's authority is न भूमिं त्याज्यं सर्वान् पवनिसिद्धिस्तान्  
 673

The previous discussion is as to what a man legally gives when he gives 'all his' (सं). The literal meaning of this aphorism is 'I and [of a country] is not transferred [by a king], for it equally belongs to all'.

<sup>2</sup> *Max. Essays*, I, pp 320-321. The comment of Sabara who is the greatest authority on Mīmāṃsā agrees with the discussion summarised above by Colebrooke. Sabara on Jaimini, 6, 7, 3, has —

The very discussion of *Mīmāṃsā* proves, for it presupposes, the existence of private property in land. Such private property was deemed inviolable. All possible pretensions by the Crown to such right was denied in the clearest possible terms. And this was quite in consonance with the spirit of Hindu Law which held even the gods subject to law and prescribed punishment for the sovereign, if he was arbitrary.

§ 346 The Hindu lawyer *Nīlakaṇṭha* carries the discussion further and examines the right of the conqueror in these words :

एवं चत्विधादेर्जयादिरिति तु युक्तम् ॥ जयेऽपि जितस्य यत्र गृहक्षेत्र-  
दद्यादौ स्वत्वमाप्तोत्तत्रैव जतुरप्युत्पद्यते ॥ जितस्य करग्राह्यतायां तु जेतुरपि  
सर्वे न स्वत्वम् । अतएव सार्वभौमेन सम्पूर्णा पृथ्वी माण्डलिकेन च मण्डलं  
न देयमित्युक्तं पठे ॥ सम्पूर्णपृथ्वीमण्डलस्य तत्तदग्रामक्षेत्रादौ स्वत्व तु  
तत्तद्भौमिकादानानिव राज्ञां तु करग्रहणमात्रम् ॥ अतएवेदानीन्तनपरिभाषिक  
क्षेत्रदानादौ न भूदानसिद्धिः किन्तुवृत्तिकल्पनमात्रमेव ॥ भौमिकेभ्यः क्रीते तु  
गृहक्षेत्रादौ स्वत्वमप्यस्येव ॥

'Similarly conquest and the other (modes) are (available) "for a ruler (*kṣatriya*) and the others On conquest "the ownership of the conqueror arises "only in respect of the houses, lands, and "personalty, etc., of the ruler conquered. "Where the latter had a right to taking

अथैव स्वत्वदाने वक्ष्यते । किं भूमिर्दया न इति । का पुनः भूमिः अवाभिप्रेता । यदेतन्महाराज्यं  
द्व्यालोक्य श्रुतिर्गोत्रकं न चित्रमाणं यद्विज्ञायाः । तत्र किं प्राप्तम् । अविशेषाद्दया प्रभुत्वसम्बन्धेन  
जितस्य स्वत्वो वर्तते अथवा न सावर्भौम व्यापारेण स्वता निर्वर्तयितुम् । इति । एव प्राप्तं भूतम् न  
भूमिर्दया इति । कुत । अवाप्तम् ईशितातो मनुष्या इत्यन्ते न ज्ञातव्यं पृथिवीगोलकस्य इति । आह  
य एदानीं सार्वभौम इति तर्हि कुत । कुत । शत्रुता भीतेन सार्वभौमी भूमेरीते तावता अस्तीति न  
तत्र कश्चिद्विषयः सार्वभौमवेऽप्यत्रैवदधिकं यत् अस्तीति पृथिव्यां सम्पूर्णानां ब्रह्मादीनां रक्षणेन निर्विघ्नस्य  
अस्तित्वं मायस्य ईदृशं न भूमे तन्निविष्टायै मनुष्याः तैरन्यत् सत्त्वपूर्णानाम् भारयविक्रमवादि यत्  
भूमिगतं तन्मिदं प्रति न कश्चिद्विषयः । तस्यात् न भूमिर्दया ।

"taxes, the conqueror acquires that much right, and no ownership. Hence 'by an emperor the whole country and by a provincial ruler the province is not a *dāya* (a 'subject of gift')' is laid down in Book VI (of the P. Mīmāṃsā) Proprietary right in the whole land with regard to villages and lands etc., lies in their respective land-lords etc. The king's right is limited to the collection of tax therefrom. Therefore what is technically called at present 'gift of land etc. (by the king) does not mean giving away of land, but a mere creation of allowance. If house, land etc., are bought from the owner (by the king) proprietorship indeed can arise".

§ 317. The Prime Minister Mādhava whose name in legal literature occupies the next place after Viṣṇūśekhara, is entitled to profound respect in what he may have to say on questions of Hindu-law. He discusses the very point in these words :

देया न वा महाभूमिं स्वत्वाद्राजा ददातु ताम् ।

पालनस्येव राज्यत्वान्न स्वभूदीयति न सा ॥

यदा सार्वभौमी राजा विखजिदादौ सर्वस्वं ददाति तदा गोपथराजमार्गजलाशयादन्विता महाभूमिस्त्वेन दातव्या । कुतः भूमेस्तदोयधनत्वात् राजा सर्वस्येष्टे ब्राह्मणवर्जमिति स्मृतेः । इति प्राप्ते—

भूमः । दुष्टविज्ञाशिष्टपरिपालनाभ्यां राज्ञ ईशित्वं स्मृत्यभिप्रेतमिति न राज्ञो भूमिर्धनम् । किन्तु तस्यां भूमौ स्वकर्मफलं भुञ्जानानां सर्वेषां प्राणिना साधारणं धनम् । यतोऽसाधारणस्य भूखण्डस्य सत्यपि दाने महाभूमेर्दानं नास्ति ॥<sup>1</sup>

"*Mahā-bhūmi* (the Great Land, Public Land, cf. below 'non-public') : is it or not an object of gift ? 'King may give it away, for he possesses it' Land is not his property

<sup>1</sup> *Pyarohara mayukha* [Dāya Nirṇaya]

<sup>2</sup> *Nyāyamālā* by Mādhavācārya (Āraṇyaka Sanskrit Series, p. 358)

The very discussion of *Mīmāṃsā* proves, for it presupposes, the existence of private property in land. Such private property was deemed inviolable. All possible pretensions by the Crown to such right was denied in the clearest possible terms. And this was quite in consonance with the spirit of Hindu Law which held even the gods subject to law and prescribed punishment for the sovereign, if he was arbitrary.

§ 346 The Hindu lawyer *Nīlakaṇṭha* carries the discussion further and examines the right of conquest and land of the conqueror in these words

एवं क्षत्रियादेर्जयादिरिति तु युक्तम् ॥ जयेऽपि जितस्य यत्न गृह्येत्  
द्रव्यादौ स्वत्वमाप्तोत्तत्र च जतुरप्युत्पद्यते ॥ जितस्य करग्रहितया तु जेतुरपि  
मेव न स्वत्वम् । अतएव सार्वभौमेन सम्पूर्णा पृथ्वी माण्डलिकेन च मण्डल  
न देयमित्युक्तं पठ ॥ सम्पूर्णपृथ्वीमण्डलस्य तत्तद्ग्रामक्षेत्रादौ स्वत्व तु  
तत्तद्भौमिकादानमिव राज्ञा तु करग्रहणमात्रम् ॥ अतएवेदानीन्तनपारिभाषिक  
क्षेत्रदानादौ न भूदानमिति किन्तुवृत्तिकल्पनमात्रमेव ॥ भौमिकेभ्यः क्रीते तु  
गृह्येवादी स्वत्वमप्यस्येव ॥

'Similarly conquest and the other (modes) are (available) "for a ruler (*kṣatriya*) and the others. On conquest "the ownership of the conqueror arises "only in respect of the houses lands, and "personalty, etc, of the ruler conquered. "Where the latter had a right to taking

अथैव सत्त्वदाने मग्नयः । किं भूमिर्देया न इति । का पुनः भूमिः अथामिमेता । यदतस्मदपराज  
द्रव्यान्तरं श्रद्धावैगोचकं न चवमात्रं स्वतिका वा । तत्र किं प्राप्तम् । अविद्याद्वेया प्रभुत्वस्येव  
जितस्य स्वत्वो वस्तुते शक्यते च मानस्य व्यापारेण स्वता निवेत्तं विवृणुः । इति । एवं प्राप्ते इमं न  
भूमिर्देया इति । कुत । अथापान् इमिमांसा मनुष्या इत्येते न कर्तव्यं श्रद्धावैगोचकस्य इति । अथ  
प इदानीं सार्वभौमं च तर्हि इमं । कुत । यावता भौमेन सार्वभौमी भूस्वीरुते तावता अन्येऽपि न  
तत्र कथिरित्य सार्वभौमस्य त्वत्तदधिकं यत् अयौ श्रद्धावै सार्वभौमी भूस्वीरुते तावता अन्येऽपि न  
कल्पितं भाग्यं ईदृशं न भूमिः तद्विनिर्माणं ये मनुष्या वैरम्यत् सार्वभौमताम् धारणविक्रमपादि यत्  
भूमिर्देया तमेति प्रति न कथिरित्य । तस्यात् न भूमिर्देया ।

"taxes, the conqueror acquires that much right, and no ownership Hence 'by an emperor the whole country and by a provincial ruler the province is not a *deya* (a 'subject of gift') is laid down in 'Book VI (of the P. Mimāṃsā) Proprietary right in the whole land with regard to villages and lands etc., lies in their respective landlords etc. The king's right is limited to the collection of tax therefrom Therefore what is technically called at present 'gift of land etc. (by the king) does not mean giving away of land, but a mere cession of allowance If house, land etc., are bought from the owner (by the king) proprietorship indeed can arise'

§ 347 The Prime Minister Mādḥava whose name in legal literature occupies the next place after Viṣṇuśaṣṭṛa, is entitled to profound respect in what he may have to say on questions of Hindu law He discusses the very point in these words

देया न वा मद्भाभूमिं स्वत्वाद्राजा ददातु ताम् ।

पालनस्यैव राज्यत्वान्न स्वभूदीयित्वे न सा ॥

यदा सावेभौमी राजा विश्वजितादौ सर्वस्व ददाति तदा गोपयराजमार्ग-  
जलाशयाद्यन्विता मद्भाभूमिस्तान् दातव्या । कुत भूमिस्तदोद्यधनत्वात् राजा  
सर्वस्येष्टे ब्राह्मणवर्जमिति स्मृते । इति प्राप्ते—

ब्रूम । दुष्टमिच्छाशिष्टपरिपालनाभ्या राज्ञेयं गृह्यत्व स्मृत्यभिप्रेतमिति न  
राज्ञो भूमिर्धनम् । किन्तु तस्या भूमौ स्वकर्मफलं मुञ्चानाना सर्वेषां प्राणिना  
साधारणं धनम् । अतोऽसाधारणस्य भूषणस्य सत्यपि दानं मद्भाभूमिर्दानं  
नास्ति ॥

"*Mahā bhūmi* (the Great Land, Public Land, cf. below 'non-public') is it or not an object of gift? 'King may give it away, for he possesses it' Land is not his property

<sup>1</sup> *Viṣṇuśaṣṭṛa mayukha* (Dīpa Nīpāṭa)

<sup>2</sup> *Viṣṇuśaṣṭṛa* 13 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

"because sovereignty is for protection and growth only. Therefore it is not given."

"Doubt may arise in case a *Sarvabhauma* King (Emperor) in *Viśvajit* and others 'gives away all he possesses.' In that case (is) the Great Land which contains public roads, ways for cattle, seats of water etc. to be given away? For in land there is his wealth owing to the text of *Smṛiti*—'King may wish for (the wealth of) all excepting Brahmins.'

"The reply is that the purport of the *Smṛiti* is that King's sovereignty is for correcting the wicked and fostering the good. Hence land is not king's wealth. On the other hand in that land (state land) there is the common wealth of all living beings to enjoy the fruit of their labour. Therefore although there can be gift of a piece of non-public (*Asādhāraṇa*) land there can be no gift of the Great Land."

§ 348. The commentary *Bhaṭṭadīpikā* which is an accepted authority in *Mīmāṃsā* has the following exposition on the subject :

सार्वभौमस्यापि न तस्यां स्वत्वम् । जयस्यापि च शत्रुस्वामिकधनगृहचेत्वादि-  
विषय एव स्वत्वोत्पादकत्वात् । महापृथिव्यां तु राज्यमात्राधिकारस्यैव जयेन  
सम्पादनात् राज्यं हि स्वविषयपरिपालनकण्टकोद्धारणरूपं तन्निमित्तकं च तस्य  
कर्षकभ्यः करादानं दण्डोभ्यश्च दण्डादानं इत्येतावन्मात्रम् । न त्वेतावता तस्यां  
स्वत्वम् । \* परिक्रयादिन्नर्थं गृहचेत्तादिकं तु दीयमेव ॥<sup>1</sup>

"Even a *Sarvabhauma* sovereign has no proprietary right in it (*Mahā pṛithivī* = Great Land). For even conquest produces proprietary right only in the personal property, house, fields, etc. of the enemy. In the *Mahapṛithivī* (Great Land) however, as the right is only of

<sup>1</sup> *Bhaṭṭadīpikā* on *Pāraṇīmīmāṃsā Darśana* (Mysore Edition), Vol. II p. 317.



'government what is acquired by conquest  
'is merely government which is limited  
'to protection and growth of the country  
'and eradication of evil (therefrom) and for  
'that purpose to the realization of taxes  
'from cultivators and of fines from  
'offenders In the land there arises no right of any other  
'kind .. House, fields, etc. acquired by purchase and  
'the like, may however become a subject of gift'

Kātyāyana the lawyer, deals with the subject in these words —

"When the king is called the *śāmin* (master) of the land and in no case of any other wealth, he only becomes entitled to receive the one sixth share of the produce from it not [that he is master] in any other way The master ship which is connected with him is due to the habitation thereof by living beings and is the one-sixth share arising from their acts whether good or bad"

Mitrāmīśra commenting on this says —

"Its meaning is [this] King is called the *Śāmin* of land not of other wealth connected with land 'Not in any other way' is [laid down] as there is want of master ship in land Living beings are those having life habitation thereof is habitation of the land, *master ship* that is mastership of the king Hence he can only receive one sixth from their acts

<sup>1</sup> कात्यायन

भूस्वामी तु भूती राजा नान्यद्रव्यस्य स्वयं दत् ।  
तत्फलस्य हि षड् भागं प्राप्नुयादायदेव तु ॥  
भूतानां तद्विवाशितान् स्वामित्वेन त्वेन कौन्तिवम् ।  
तत्किंवावलिषड्भागे यमायुमनिमित्तवम् ॥ इति ।

अस्य च । राजा भूय स्वामी भूतः । अनादयस्य भूमिसम्पदद्रव्यस्य न स्वामी । अथवा भूमिस्वाम्याभावः । भूतानां प्राणिनाम् तद्विवाशितान् भूमिवाक्यम् । स्वामित्वेन प्राप्त इति शब्दः । इत्येतत् तत्किंवावलिषड्भागे प्राप्नुयात् । JIB p 271

§ 319. This is the traditional view of the law ; this is the view of *Mīmāṃsā* whose verdict in Hindu law is final. This is in complete agreement with constitutional theory with the view of the constitutional writers who have decided that the king is a mere servant getting his wages in taxes. The servant cannot claim the very property as his, to guard which he is appointed and for guarding which he gets his salary. This unanimous view of law and constitution on king's position was not confined to books. It was the common and accepted opinion in the country—so common and accepted that it had become current coin even in the domain of folk-lore. The *Jātaka*, which we shall quote verbatim below in the next chapter, says [and there it is the speech of a king], that the king's authority is limited to magisterial duty, that he had nothing more than that, and that he is not the lord of the kingdom. It is further corroborated by the coronation ceremonial which is the very basis of Hindu Kingship and which I have already analysed for the reader. There is not even an atom of suggestion in that chain of formulae and symbolisms to imagine kingly proprietorship in the land of the realm. The idea is altogether foreign to the whole system.

Gupta title-deeds inscribed on copper-plates and registered at the District Officer's office, whose seals they bear, clearly prove private ownership. In certain cases the king got only the  $\frac{1}{3}$ th 'share' as in any other sale (*e.g.*, of moveables).

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<sup>1</sup> *I. A.*, 1910, pp. 199-204 (Plates B and C). Plate A is a conveyance by the Municipal Corporation of a piece of land in town. The vendors are the President and the Assembly (called *Prakritis* just as in *Amara*, § 252, p. 70 above). In this case the Emperor received 'the legal  $\frac{1}{3}$ th share' (*dharma śhaś Bhāṣa*, plate A, *I. A.*, 1910, p. 195).

§ 350. In the face of all this we have in the repeated editions of popular text books like Mr Vincent Smith's *Early History of India* confidently stated —

Indianists  
Presentation of the  
Native Law on the  
subject

"The native law of India has always recognised agricultural land as being crown property"

"The native law of India" as laid down by its own lawyers of unquestioned and unquestionable authority is the other way. It may be the native law of any other land, it is certainly not the native law of India. It is not fair that a popular text book should embody such a prejudiced and unwarrantable view dogmatically asserted, and asserted without taking the slightest notice of competent discussions on the subject. Wilks in his *History of Mysore* published as early as 1869 has exhaustively dealt with the subject on materials which were accessible to him<sup>1</sup> and which are accessible to Mr. Vincent Smith. Wilks shows that no foundation exists for attributing the feudal theory to Hindu Law. In the '*Introduction to Hindu Polity*' the constitutional view of Hindu literature was pointed out. Professors Macdonell and Keith who cannot be accused of over liberal sympathy to matters of Indian history have had to admit in their *Vedic Index*<sup>2</sup> on a survey of all the arguments and materials for the feudal theory that—

"the evidence is however inadequate  
"to prove what is sought that the Greek  
"observers are contradictory on the point, that the evidence  
"adduced from the Vedic literature and the *Mānava*  
"*Dharma Śāstra* and the *Mahā Bhārata* does not prove the  
"theory, that the evidence so far as it goes of other Aryan  
"peoples does not support the theory of original kingly  
"ownership. Such ownership did not exist so far as can be

<sup>1</sup> Vol I, Chapter V pp 65 138

<sup>2</sup> Vol II pt 214 15

"seen in Anglo Saxon times, nor in Homeric Greece, nor "at Rome" The learned authors, however coolly pass by Jaimini, totally ignoring him, although they go to South Africa to find analogy for Vedic India "

§ 351 While in the second edition (p. 129) no authority was suggested by Mr Vincent Smith, in the *Artha Śāstra Commentary & Śloka* last edition (1914, p. 131n) from the translation of the *Artha Śāstra*, Bk II Ch. 24 (p. 144), he has quoted a passage given by the translator "These who are 'well versed in the Śāstras admit that the king is the owner 'of both land and water, and that the people can exercise 'their right of ownership over all other things excepting these 'two' The passage purports to be the translation of a "couplet of far reaching political significance" quoted by a commentator of the *Artha Śāstra* I have obtained a copy of the manuscript of the commentary which is at the Oriental Government Library, Madras, made under the supervision of the Librarian, through the kind agency of Prof Krishna Swami Aiyangar The original couplet reads as follows —

राजा भूमे पतिर्हृत् शास्त्रज्ञैरुदकस्य च ।

ताभ्यामन्यत्र यद्व्यं तत् साम्यं कुटुम्बिनाम् ॥

A mere reading of this śloka will satisfy those who are familiar with Hindu law that the translation is not what the Śloka says The natural, unforced meaning of the śloka is — "The king is the protector (*pati*), according to the "opinion of the learned in the Śāstras, of the *bhūmi* (land) "and water Excepting these two whatever property there "may be, his family members have sameness of right therein "

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<sup>1</sup> Macdonell and Keith *Vedic Index* Vol II pp 214 15 The authors also say "It is not denied that gradually the king came to be vaguely conceived—as the English king, still is—as lord of all the land in a proprietorial sense The authority for this statement is not except as the English king still is which is the basis the original aim of the theory The relic of the theory still lingers vaguely

In effect it is the theory of *Mīmāṃsā* and, the law and constitution retold. It is retold in connexion with the rights of the family of a ruler. A kingdom is not partible, because according to the *Śāstras* it is not the property of the king. As the *Śāstrakāras* have said, *bhūmi* 'with seats of water' upon 'it belongs to the king, only in as much as he has to protect it and no more.' He is only its Protector. Hence of his family members (*kutumbinām*) there is no coparcenary therein. As protector he takes taxes, and as he is the protector of the *bhūmi* 'with seats of water' on it, he is entitled to derive taxes both from land and water. His family members have nothing to do with these taxes or with the sources of these taxes.

To attribute the sense of the translation cited to the *śloka* is little short of sacrilege. And to attribute the sense to the commentator of the *Artha Śāstra* is to attribute madness to a Hindu writer of Hindu times. Any one in whose veins ran the culture and tradition of "the *Śāstras*" could never mean in sound mind what has been fathered on the author of the *Śloka*!

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<sup>1</sup> His name and date are not known.

## CHAPTER XXXV

### Position of the Hindu King

§ 352 To recapitulate the position of the Hindu king.  
 The king had his civil list defined which was called his 'salary' and which had to be fixed with reference to the income of the State and the position of the Monarch and Country.<sup>1</sup> The whole revenue was not his salary Salaries of the Queen and junior queens, of Queen Dowager and Princes and other members of the royal family were also fixed.

§ 353 He had no jurisdiction over individual subjects.  
 King master of no subject He was called master, but it was settled law which people knew like the daily appearance of the sun that he was master of no subject except a criminal. The *Jātala* which does not deal in philosophy or ideals but facts and every-day life, puts it in these words in reply to the demand of a beautiful wife who was desirous of absolute mastery over subjects

"My good lady, to me the inhabitants of the whole realm are no bodies; I am not their master (i.e., they are their own masters). I am master only of those who offend against the ruler's (laws) and do what is unlawful For this reason, I

<sup>1</sup> *Artha Śāstra*, Bk V ch 2, 91 (p 245)—

दुर्गेनमपदमन्ता भवकर्ममुदयवादिन म्नाययेत् । कार्यमायनमुदय वा भवकर्मो न प्रदीयते ।  
 न चर्मायां वेदयेत् । *N D*—The term *dharmya* includes the king  
 मम नहि देवमिदमवेतमी वाजा । (p 246)

"am unable to give you mastery and rule over the whole  
"realm." <sup>1</sup>

§ 351. With this defined position, shackled with the  
King constitutionally checks and limitations we have noticed,  
a servant subjugated under the great constitutional  
power of the Paura-Jānapada, with a conscience trained to be  
prone to listen to the public voice, his position really was  
that of the Servant of State, or rather as our forefathers put it  
mercilessly, of a drudging 'slave' (*dāśya*). The epic exhibits  
as an ideal that a king should even give up his dear wife if  
asked to do so by his subjects: a popular and somewhat  
crude way of expressing the king's position, but all the same  
enshrining the radical demand of Hindu constitution from  
its king to sink his individuality into his office. With  
such principles the king was virtually a constitutional slave.  
Even the Hindu Hobbes, the great monarchist Kaṭṭilya, would  
not allow the king to have personal likes or dislikes "A  
"king has no personal likes: It is the  
"likes of the subjects (that should be followed  
"by him)."<sup>2</sup>

This lofty sense of sacrifice made the  
Morally master constitutional slave into the  
moral master: that 'one man who  
rules over numerous wise and brave men.' He was born, as  
says the Mahā-Bhārata, for the sake of others, 'like the horse  
or the goat.' Hindu kingship is the highest

<sup>1</sup> The *Jātaka*, Vol. I, p 398

महो मह्यं सकलराज्यासिनो न किञ्चिद्भीतिं वाह्यं तेषां सामिको यो यत्नं राजानं कीदृशं 'अनन्तरं'  
करोति तैश्च ज्ञेयवाह्यं सामिको हि दमिता कारयेत् न सदा तदा सकलराज्ये प्रसूयितव्यं आचक्षते इति ।

The king had evidently a palace jurisdiction of superior nature (*Vasam*—'full control')  
"for the sake of convenience."

<sup>2</sup> *Artha-Sāstra*, Bk I, ch. 19 : 16 (p 59)—

प्रजासुखे सुखं राज्ञः प्रजाभायं हितं विवर्त्त ।

नाकप्रियं हितं राज्ञः प्रजाभां तु प्रियं विवर्त्त ॥

ideal of sacrifice on the part of the individual whose privilege it was to be the king of the Hindus

§ 355. His utility was very great. He saw to the transfer of ministers and ministry and was the utility co-ordinating spirit in government. Propelled by his high sense of sacrifice, high traditions and high position, morally he stood far higher than the ministers and rulers-ministers. If people found the actual governors bad, he still remained the centre of hope and reform and avoided disruption.<sup>1</sup> Ministers came and went, but the king remained. Even when he was powerless, he was (as Kautilya puts it) the Symbol of State.<sup>2</sup> He was the standard of sovereignty to rally loyalty and hold the realm together. He was, in the words of Śukra, the root of the tree of State

“King is the root of the Tree of State, the Ministry  
“is its trunk, the military chiefs are branches, the army are the  
“leaves of the tree and the Subjects are its flowers,  
“prosperity of the Country its fruits, and the whole Country  
“the final seed.”<sup>3</sup>

But for him the ministry would have tended to become an oligarchy, and the fruits and seeds for future fruits would have fallen in their hands and been misappropriated

<sup>1</sup> *Ibid*, Bk VIII ch 1, 127 (p 320)–

मन्त्रिपुरीक्षितादि मन्त्रवर्गमध्यमचारं पुरुषद्वयं प्रकृतिव्यसमग्रतोकारमेधनं राजेन करोति व्यसनिषु वामाख्येवत्यानमसनिन करोति ।

<sup>2</sup> *Ibid*, Bk V ch 6, 95 (p 254)–

अजमाधोऽयम्

<sup>3</sup> *Sūtranītiśāstra*, v 12

राज्यस्य रूपतिर्मुलं लक्षादमस्मिन् ।

माया वीणाधिया वीणा यज्ञा कुटुम्बानि च ।

प्रजा कर्तानि भूमाया वीजं भूमिं पृथक्विता ।



Looking at his utility and at his life of superb sacrifice<sup>1</sup> the Hindu world well put its verdict in the mouth of Bhīṣma, the representative of Hindu royalty in Hindu literature :

सर्वधर्मपरं चातुं लोकत्रयेऽथ सनातनम् ।

'Of all *dharma*s (duties) rulership is the highest in society, for all times'

<sup>1</sup> *Maṅkya Bharata*, *Sanskrit Parvan*, ch. LVIII 29—

आत्मत्यागं सर्वभूतानुकम्पा  
लोकशान्तिं धर्मसं मोक्षवत् ।  
विदुषाम्नी मोक्षार्थं पीडितानां  
आत्मे धर्मे विद्यते पार्थिवशाम् ॥

## CHAPTER XXXVI

### Character of the Hindu Monarchy

§ 356. It would be evident from the above discussion of Mimāṃsā, from the theory of taxation, from State a Trust the coronation oath and other points noticed above that the State under Monarchy in the eyes of the Hindu was a Trust. { The object of the trust is clearly stated in the Śruti text which had to be repeated at every Coronation: "*This State to Thee (is given)*—Thou art the "director, regulator, firm bearer (of this responsibility)—for "(the good of) agriculture, for well-being, for prosperity, for growth "(of the people), (that is) for success"<sup>1</sup>

The Trust, the State, thus created was for the prosperity of the People. It is this underlying principle which has been expressed in later literature in so many forms, culminating in the fixed maxim that the king is the servant of the people getting his wages. If the object of the trust is not fulfilled, the trustee is "to be shunned like a leaky ship on the Sea."

The *telos* of the Hindu monarchical state brings us to the great distinguishing feature of that state. The end of the state was to secure peace and prosperity of the people.

<sup>1</sup> The White Yagurveda, IX, 22—

"This is thy Servant. Thou art the ruler, thou art controller, thou art firm and steadfast

"Thee for land culture, thee for peace and quiet, thee for wealth, thee for increase of our substance "

<sup>2</sup> Mahā-Bhārata, Śānti P. LVII, 43

—R. T. H. Griffith's translation

## CHARACTER OF THE HINDU MONARCHY

Sacerdotal duties were never imposed upon the king. He was never a priest even in the Vedic age. By prosperity was meant, of course, the immediate material prosperity: the state was instituted for *land-culture, wealth*, etc. That prosperity, which was secured by a correct administration and justice, was regarded to bring about moral prosperity in its turn as a corollary.

§ 357 / Again, the Hindu Monarchical State was essentially a civil state |

A civil State Standing armies appear as early as the 6th century B C and probably had existed before it for some centuries. At times very large armies, three quarters of a million strong, were maintained<sup>1</sup>. But the State never lapsed into a military polity. The governors of the provinces were civil officers. All the known orders in inscriptions are addressed to civil functionaries. The Commander in Chief and all other military chiefs were appointed by the Council of State where the Commander in Chief had no place. We do not find the army making and unmaking kings. All the traditions of depositions,—e.g., that of *Nāga Darśaka*, of *Pālaka* or of the early *Vena*, relate dethronements brought about by the Citizens of the Capital and other constituents of the civil population, not by the army. The king among his several titles—*Narapati* (Protector of the People), *Bhāpati* (Protector of the Country), *Bhātāraka* (Lord), *Great King* and others—has not got an epithet indicating an official military character, although his personal heroism is often extolled. He as the head of the executive was undoubtedly the head of the army and in practice he very often led the army and fought, but that was a personal matter. There is no theory which gives him a military halo. He was not the generalissimo of the army of inherent right, that office was quite distinct from that of kingship from Vedic times (§ 211).

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<sup>1</sup> E.g. in the time of Chandragupta Maurya.

Likewise, war was to be avoided as far as it was possible, and especially so, for conquest. This was more or less a settled principle of Hindu politics.<sup>1</sup> Militarism as a feature is everywhere absent.

§ 358 On the other hand the most pronounced feature of the Hindu monarchy, as we have seen, was the paramount position of law in the polity. We have also noticed the prominent reference to law in the coronation oath of the Mahā-Bhārata. The civil character of the Hindu monarchy is reflected in the stress laid on law.

§ 359 Laws of war and conquest were incorporated into the Civil Law as one of its limbs. So much so that the question of conquest was often discussed from the point of view of municipal law, the standard being the standard of the morality of law. If a state was conquered its government was to be re-entrusted into the hands of the old ruling house. This was what the Mānava Dharma Śāstra<sup>2</sup> laid down after an experience of a nearly all India, one-king empire, extending 'from sea to sea,' from Madras to the Hindu Kush. It was based on the analogy of the legal theory of 'legitimacy'. It was not a mere theory which was once preached as a pious opinion and then forgotten. It was largely followed from the 4th to the 10th century A. C. In the Allahabad pillar inscription of the great conqueror Samudra Gupta of the Imperial Gupta dynasty we find the same principle acted upon. Kālidāsa records the same practice. The earliest Muhammadan writer bears witness to it. "The wars they wage with the neighbouring princes are not usually undertaken with a view to possess themselves with the adjoining dominions. When a prince makes himself master of some kingdom, he confers the government upon some person of the royal family," (851 A. C.—*Account of the*

<sup>1</sup> Manu VII 190. Mahā-Bhārata, 69 23. 'Bṛhaspati' laid down that a wise king should always avoid war for acquisition of territory.

<sup>2</sup> Manu VII 202. Other law Codes reiterate the same principle.

merchant Sulaiman recorded by Abu Zaid, trans. (1718) by the Abbé Renaudot). In the age of Hindu Rationalism which formed the palmiest days of Hindu history, the theory existed in the form noticed by the Greek writers with regard to Hindu attitude to foreign politics. Arrian drawing upon Megasthenes records in his *Indika* (IX):

"Sense of justice, they (Hindus) say, prevented any Indian King from attempting conquest beyond the limits of India."

§ 360. Only such a theory would explain the great fact that although Chandragupta's was "the mightiest throne then existing in the world" (Rhys Davids) and so it remained under his two successors, and that although the Maurya emperors found their next-door neighbour, the Seleucid empire, weak and crumbling, yet no inclination was exhibited to go beyond the Hindu Kush, the natural frontier of the India of those days

§ 361 To this civil and legal character of Hindu Polity, the sociological historian, I venture to think, would mainly ascribe the extraordinary longevity of the Hindu State (§ 371), and the absence of a deadly conflict between the People and the Crown.

Longevity a result  
of Civil Polity

## HINDU IMPERIAL SYSTEMS

## CHAPTER XXXVII

### Imperial Systems

§ 362 The Aitareya Brāhmaṇa places after the republican *Ādhipatyā* and *Sarvabhauma* group of states the monarchical group which consists of these varieties :

(1) Monarchy,<sup>1</sup> (2) Great (or High) Monarchy (*Mahārājya*); (3) Over-Lordship (*Ādhipatyā*), and (4) Pan-Country Sovereignty<sup>2</sup> (*Sarvabhauma*)

The High Monarchy is not defined. But the word *mahā* (mahat) connotes relativity, e.g., superiority between States of the same kind. *Mahārājya* probably meant a large monarchy, larger than its neighbours, with certain constitutional features at present not known. *Ādhipatyā* in its technical sense evidently signifies an over-lordship embracing protected states; the *Brāhmaṇa* after the mention of the *Ādhipatyā* has "May I be (sovereign) enveloping neighbours"<sup>3</sup>. *Ādhipatyā* thus seems to mean an imperial system in which suzerainty or 'over-protection' (*Ādhipatyā*) on states outside its frontiers was exercised by the dominant state. Khāravēla who had taken the consecration

<sup>1</sup> The *Rājya* is qualified with *parameshthya*, apparently to distinguish it as the *rājya*, the *rājya* superior, i.e., monarchy. सर्वो राज्ञो योऽहं ममिहो परमो राज्ञो यम्. It is also possible that *Parameshthya* was some sort of distinct monarchical constitution (of राजान राजसिन्धु परमेश्वरम् Aitareya Br. VI. 12). I remember having seen a passage in the *Mahā Bhārata* where some king is styled *Parameshthi*. The rare *Sedvatiya* (VIII. 12) if technical, was probably a reminiscence of the desecrated 'autocracy' which the oath in the *Mahā Bhārata* specifically excludes from Hindu kingship.

<sup>2</sup> VIII. 15—

आवात्य और्वं स्यात्पुनः वैरात्य परमेश्वरं राज्ञा माहाराज्यमाधिपत्यम् समस्तपराधी स्यात्

<sup>3</sup> *Ibid.*, समस्त पराधी स्यात्

of *Mahādyāya*, was described obviously in consequence of his conquests and *rājāsūya*, as *Ādhipati* and *Chakravartin*<sup>1</sup> The wish to be a *Sārvabhauma* is expressed to become '(the sole) monarch of the land up to its (natural) frontiers, up to the sea, over all human beings'<sup>2</sup> This is a variety of large monarchy which is based on territory as opposed to nationality (*e.g.*, *Jānarāya* of the Śatapatha Brāhmana) It however claims the whole area (*sarva bhūmī*) within natural boundaries, the country with "natural frontiers" The "natural frontiers" notion is expressed by Kautilya in his *chāturanta* sovereignty ('an empire up to the four limits')<sup>3</sup> and he defines it to be the *imperial field* as lying between Cape Comorin and the Himalayas, i.e. the whole of India<sup>4</sup> The ideal of one-king empire extending up to the seas probably arose in Magadha from where the field for conquest lay open up to the Bay of Bengal Its non Aryan population, unlike the Aryan Janas or nations of the Doab was no moral barrier to the Hindu imperialist

We have thus two main systems one is the Suzerainty or *Ādhipatya* system and the other is the Pan Country Monarchy or the *Sārvabhauma*<sup>5</sup> The latter system was extended and applied even to the Aryan India by the kings of Magadha which shocked the principle of *Jānarāya* Hindu historians denounce the one king one umbrella sovereignty of Maha Pradma established over the ashes of the houses of Vedic antiquity<sup>6</sup> § 363)

Jayawalkar J B O R S III 434 459 IV 376 396

<sup>2</sup> *Atareya B* VIII 18 —

शर्वभूमि स्वर्गद्वय आत्मादापराधीन् प्रियं समुद्रपर्यन्ताया एकराज

<sup>3</sup> *Artha Śāstra* III 1 58 p 159

<sup>4</sup> *Ibid* IX 1 p 378

<sup>5</sup> The *Sārvabhauma* does not relate to the whole Earth See *bhūmī* country (§ 361) *Prith* country *dga* according to *Artha Śāstra* p 338

<sup>6</sup> See *Purāṇa Text* (Lancaster) P 95 Jayawalkar J B O R S I 111



Samrāt<sup>1</sup> Any outstanding personality could be elected leader of the organisation. It seems that owing to the character of the organisation the Aitareya classed it with the popular constitutions.

§ 364 The system which won the day in the post Brihadratha<sup>2</sup> period was the sārva-bhūma. The system began to take shape about 700 B.C. when the national states began to give way (247). The old dynasties, come down from Vedic times began to dwindle. In the next century large, non-national monarchies greatly developed. There were about three of these. One, but not yet the foremost, had its seat in Magadha; another in Kosala and the third in Avantī<sup>3</sup>. Competition follows between the three and Magadha finally wins under Nanda Vardhana<sup>4</sup>. A permanent Sārva-bhūma is set up about 450 B.C. A century later, the old traditional houses are finally wiped off the tablet of history by the Śūdra Emperor of Magadha (§ 362). Literally a 'one-umbrella' empire covering the whole of Northern India except the Punjab was erected. Hindu historians marked it as the beginning of a New Period.

In 600-450 B.C. people began as it were to question "Why should the old dynasties be allowed to live on?" And the two first cases of usurpation were enacted—in Avantī and in Magadha. A political thinker actually formulated a theory of usurpation against degenerate houses<sup>5</sup>. The old

<sup>1</sup> See ante (II) p. 4 n. 1

<sup>2</sup> C. 700 B.C. Jayaswal *J. B. O. R. S.* IV p. 26.

<sup>3</sup> First under the Vṛjhatras and then the Prājyotas.

<sup>4</sup> Jayaswal *J. B. O. R. S.* 187-107.

<sup>5</sup> Cf. Bhāradvāja's tale related by Kaṭilya in *Artha Śāstra* V 6-95 pp. 553-4. Kaṭilya points out the reality, the fact that the ministers do really rule and above all the great danger of poisoning the people.

Bhāradvāja was a ruthless writer. Kapkaśaśa's personal name. He preached according to the Mādhārata in Western India to a Śūdra king. Govindarāja Bhānūjaya A.K. 100-30 calls him a crooked policy.

dynasties seem to have outlived themselves and ceased to perform their function.

§ 365 This type of Hindu Imperialism was also known as "Chakravartin system" It has reference to 'the arena where the imperial wheel moved unobstructed' The basic idea again is territory In the place of the old 'up to ocean' limit it substituted a new definition—from Cape Comorin to Kashmir<sup>1</sup> The Chakravartin ideal had been in the air certainly as early as 570 B C and presumably earlier The Buddha took it from the phraseology of politics and proclaimed the foundation of the Empire of his Religion (Dharma Chakra) 'Conquest', 'Conquest', 'nothing but Conquest, and to create oneness by that Conquest, was the breath of the eastern Hindus in 600-500 B C The Buddha claimed to be a Chakravartin emperor and the Mahāvīra, another great teacher, claimed to be the Conqueror (Jina) of his time As in the Moghul period the air was surcharged with the idea of founding Bideshs both in religion and in politics, so some two thousand years before people thought nothing but of unifying the continent by conquest in religion and in politics

The idea of unity was the only element therein which would find approval of the historian Apart from that element, there was nothing in the system to commend itself to the experience of the country The system, meant development of a tremendous power, but it was a power attained under intoxication The after effect was sinking into exhaustion It never became an approved system The law books and political thinkers went back to the ideals of the Federal

<sup>1</sup> Arthashastra p. 338 — दम इतिदी । तस्य विमलमुद्राकरमुदीचीनं योजनं सदस्य परिमाणं सतिर्विक चक्रवर्तिदेवम् Country is the whole land (i.e. India) In it from the Himalaya up to the Ocean—straight north 1000 yojanas is measure in the Chakravartin arena

System and the Adhipatya They preached that individual states had a right to live.<sup>1</sup>

§ 366. The great feature of the Magadha imperial-ism was its centralization. Centralization Justice had become royal, even law tended to be royal.<sup>2</sup> The village came under the royal officer. All ships were owned and let by the state. Virtues alone did not come under the focus of the Crown, also vices were brought under the imperial vigilance. Prostitutes were placed under a royal department, gambling was centralised in government buildings or buildings licensed by government, hotels and wine shops were put under an imperial department. Mines were monopolised or, to quote the old phrase, brought under one outlet (*ekamukha*). Some of these measures were beneficial, others injurious.

Centralisation was against the genius of the race. The Buddha founded his empire, but the machinery of that empire was self-government, and it flourished. On the other hand under the Magadhan machinery, the soul of the country was chained round the imperial standard, and it failed.

§ 367. The system which was tried next was a compromise. The Gupta system tolerated a few sub-states under it, but in reality it was neither a Federalism nor the inferior type, the pure *Adhipatya*. In essentials it remained a large monarchy. A real federalism with something like equal treatment to other states remained to be revived.

§ 368. For our purposes of constitutional study the second<sup>3</sup> and the third<sup>4</sup> empires are but mere monarchies. The power

<sup>1</sup> Vishnu, III 47-58 राजा परप्रवासी न स न कुलीनमभिविचेत् । न राजकुलमुच्छिन्द्यात् ।  
See also Manu, VIII 202

<sup>2</sup> Artha-Sāstra, p. 150 अथ व्यवहार्य चरित् राजशासनम् ।

<sup>3</sup> Of the Guptas

<sup>4</sup> That under Harsha, the Maukharis, and others.

of constitutional bodies under them must have varied to some extent according to the periods of peace and war. In periods of war and stress they must have become somewhat weak and in periods of peace they would have grown powerful. The popular forms, at any rate, still lived.

VI  
REVIVAL

## CHAPTER XXXVIII

### Revival of Hindu Polity

§ 369. The period after 700 A. C. is a period of darkness and disruption. Popular institutions decayed and Hindu traditions dwindled. The causes, as observed above, are yet to be investigated.

§ 370. But when there was a Hindu revival in the time of Śivāji and the Sikhs, the Sikhs as a polity failed. They failed because they could not connect themselves with the Past. They followed a system which prevailed around them and established a polity of one-man's rule ; Guru Govinda wanted to remedy it but the attempt brought about 'no man's rule' It was the "Padshahi," the Moghul form, in success and in defeat, in rise and in fall. But the movement in the Maratha country had a different history. There they looked into past history and drew up a constitution and founded a polity on materials that were easily available to them but the materials which connected them with the Past. They consulted the Mahā-Bhārata and the Śukranīti and found that king should reign but not rule, that government should be vested in a Ministry of eight ministers. And they founded the *Aṣṭapradhāna*.<sup>1</sup> They searched out technical terms from political literature of the country and drew up a Rājakośa or Book of State Terms. Yet the system tried was only one portion of Hindu polity, one half of the whole body. They had the Cause of failure *Parishad* but they had not the *Paura-Janapada*. To their great credit it must however be said

<sup>1</sup> See ante (II), p. 124, n.

that in modern times they were the first to realise that one man's rule was not allowed by the wisdom and experience of their forefathers, that it was foreign to the genius of their Śāstras. Their limitations were the limitations of darkness and ignorance about the constitutional history of the country, a darkness which we have not yet fully removed three centuries after

## VII

# CONCLUSION



man is free and he cannot be subjected by force<sup>1</sup>, and when the Brahmin accepted the leadership of the Śūdra in attempting to found a State.

§ 374. The Reformation of the Hindu has come. But a force which is greater still is also coming. This is the pagan thought, the European man-hood. What a coincidence that the race which evolved the greatest constitutional principles in antiquity should be placed to day in contact with the greatest constitutional polity of modern times. The contact is electrifying: it can either kill or rejuvenate the Race.<sup>2</sup> Probabilities, however, are, as the historian thought,<sup>3</sup> for the latter, and a Hindu would naturally hope for the latter.

§ 375. Constitutional or social advancement is not a monopoly of any particular race. I am not a believer in the cheap wisdom which preaches that political greatness is inherent in some peoples. It is a superstition which is as baseless as the Spanish superstition of the Blue Blood. There is no such thing as Blue Blood in political and constitutional evolution. Political and constitutional progress is a creation of circumstances and human forces. And even if such Blue Blood be a reality it is certainly present in the veins of the Hindu.

<sup>1</sup> नरदेह हा स्वाधीन । सहसा न हो पराधीन । *Dasa bodha*, I 10 25

<sup>2</sup> There is much unthinking and unreasonable mortification at times witnessed at the thought of being "conquered." But conquest is only a mode of receiving new thoughts and new life. What great modern community was not conquered? The primitive state of England would have continued much longer but for the advent of the Danes and the Normans. Germany and Italy would have remained a European Rajputana or a Kathiawar but for the French and Austrian domination. India would have become another Siam, Ceylon or Korea but for the Muhammadan incoming.

<sup>3</sup> "With this (tenacity) they (the Hindus) have retained a costly possession, that inclination towards the highest intellectual attainments which runs through their whole history. This treasure is still vigorous in the hearts of the best Indians, and appears 'the more certainly to promise a brighter future.'"—Duncker, *History of Antiquity*, (1852-57) IV ch 10

## APPENDIX D.

### Additional Notes on Part II (1924).

P 71 — *Sreshthas* or President of the Town

Divisional capitals or seats of Governments (*adishthanas*) had their *Sreshthas* under the Guptas EI XV, 130 gives the *Nagara sreshthin* of Koti in the Province of Bengal under Kumāra Gupta. He is given the honorific *Ārya* before his name (p 142), and is associated with the District Officer in the administration of the district.

Cf. also Rhys Davids, *Buddhist India*, pp 96-97 for *Jetthaka, pammika* taken as Aldermen or Presidents, and *Mahā Setthi* as the Chief Alderman over the Aldermen of the guilds.

P. 124 — *Pratinidhi* whether a Representative of the People?—

Pp 130—131 — Council of State and Representative of the People—

District administration in Gupta times and Local Representatives—

A sidelight is thrown by the Gupta system of District administration. The Damodarpur copper plates, discovered in the district of Dinajpur Bengal (EI, XV, pp 113—145) prove that the District Officer [*Vishaya pati* or *Vishaya ayuktaka*, appointed by the Governor (*uparika*) of the Province of Bengal (Pundravardhana *bhukti*), the latter holding his appointment from the Emperor direct] made settlements of land in conjunction with (*samya saharati*) the President of the town (*Nagara sreshthin*), the President of the merchants, the senior (*Prathama*) *Kritik* (town judge), the Senior city Registrar (*Prathama Kayastha*). We thus find the local representatives associating with the Government District Officer in an administrative act of the District.

'The governmental authority of the district' (*adishthānadhī arana*) is expressly mentioned as vested in the government official along with the popular officials of the city corporation—e.g., *Nigritalalīnādmūhya Yelurimari adishthānadhī aram cha Nagarī sreshthi?* (etc) — *puroge samyasaaharāt* (p 133)

Similarly in the Government of the State it is very probable that the process was repeated

Pp 104—105 — *Mahattardh*

See IA, A, 213 and EI, XV, p 136 on *Mahattaras*. In the Damodar pur plate (EI, XV, 36) the *Mahattara* and other *Ashia lula adhi aranas* deal with settlement of land and report to the Governor. Cp this with *ibid*, p 133, where the same function is performed by the President (*Sreshthin*), Kulika, Registrar, etc, along with the Government District Officer. The *Mahattara* is there reporting from some interior town

INDEX .  
ABBREVIATIONS  
ERRATA

# INDEX TO PART I



A		PAGES	PAGES
<i>Abhiyana</i> (place of origin)	121	Alliance <i>Vide mitra labha</i>	142
<i>Abhisāras</i>	64, 78	<i>Ambashibhas</i>	73, 74, 75, 84
<i>Abhisheka</i> 51, 91, 100, 101, 137, 186		— <i>Abastano</i> }	73
		— <i>Sambastai</i> }	
<i>Abhisheka</i> (anointed rulers)	186	— their government democratic	73, 74, 81
<i>Abhisheka</i> —		— elected their generals	81
— Of the <i>Lichchhis</i>	101	— listened to the advice of	
— Of the Whole country	100	their elders, the latter did	
<i>Achilla</i>	32n	not constitute the government	83
<i>Adhyakshapradhā</i>	4n	Ambassadors of the <i>Kshudraka</i>	
<i>Adrestai</i> = <i>Arishtas</i> of <i>Panini</i>	60	<i>Malava</i> confederacy	
<i>Agga Kulika</i>	121	— hundred in number	69
<i>Agra Srenis</i>	61, 145	— treated with uncommon	
<i>Aikshvahas</i> a branch of <i>Sākyas</i>	187	hospitality	70
<i>Aṣṭarya</i>	42, 192, 194	— with full powers to	
<i>Ajīta Śatru</i>	54, 176, 177, 187	conclude treaty	27
<i>Ajita</i>	104	— foremost citizens as—	72, 73
<i>Arodas</i>	59n	<i>Amoghadhuti</i> (of unfailing	
<i>Ajmer</i>	152	prosperity	82
<i>Akoubhis</i> —the president of		<i>Amara</i>	31
the aristocratic government		<i>Amrita</i>	8
of <i>Nysa</i>	144	<i>Anuvinda</i>	96
<i>Akrura</i> 41, 176, 191, 192, 194, 195		<i>Andhaka Vrishni</i> 39, 40, 41, 42,	
<i>Alexander</i> 33, 34, 61, 63, 64, 65, 66, 67, 68, 69, 84, 186		59, 90, 99, 138, 191, 192,	
		194, 197	
	142, 144, 175	<i>Andhras</i> —conquered by	
<i>Alexander's invasion</i> —		<i>Bindusāra</i> but allowed self-	
— rise of large monarchies	54	government under some	
<i>Alberuni</i>	210n	<i>Sangha</i> constitution	146

	PAGES		PAGES
Andhras-presumption for their being a non monarchical state	147	Aristotle	... 88
Aṅga	... 33n	Arjuna	... 121
Anka (mark)	... 42,43	Artha	... 5,6,116,127
Anumati-kappo (procedure of indemnity)	... 113	Asabga (commentator on Nārada)	... 85
Anantlarādharya	... 44	Ascetics as spies	... 99,100
Antiochus	... 141	Ashta-kulaka	... 53
Antas (neighbouring states)	.. 143	Aśoka	141,142,144,146,147
Anus	... 11	Assembly	27,30,31,41,50,114,124
Arāchyas (governed by equals)	91	Assembly of the Capital	... 3
Aparāntas	142,143,144	Association	... 30
Appeal (judicial)	... 123	Atthakulaka—Arthakulaka	... 185
Arājaka or non ruler state	41, 97,98,100,134	Attha-Kathā—criminal procedure	... 53
—extreme democracy Tolstoean in ideal	... 97	Audumbara coins	... 161
—its legal and communal basis	134	Audumbaras	.. 159,160,161
—had probably a written theory of state	... 172	Act of indemnity reduced to writing	... 114
—regarded government as an evil	... 173	Ābhīras	... 150n.
—their theory of social contract borrowed by monarchists	.. 173	Ādāna	... 126
—could be easily conquered	.. 173	Āditya	... 4
—their life coextensive only with the state	.. 173	Āhuka	... 176,191,192,195
Aratṭas	... 59,78	Ājivakas	... 33
Arhants	.. 46	Ānanda	... 45,46,47,50
Arđhabhokta	.. 42	Āpiśali	... 70,71
Aristocracy—character of its government)	67	Ārjunāyana	... 134, 145,153
Aristocratic constitution— Hindu terms for it—	85	Ārjunāyanas	... 40, 57,73,132
Aristocratic democracy states where executive power held by a few hereditary families but subject to a Gana	84,128,130	—A younger political com- munity founded about the Suṅga times—the character istics of their coins	154,159, 160, 183
		Āryas	... 11
		Army - regular and hired	... 60
		Āsanapannāpaka (seat- regulator)	... 104
		Āyudhajāl	84,35,36,37,38,58
		Andhaka	.. 134,192,195

# INDEX TO PART I

	PAGES		PAGES
Andhras	143, 146	Black beauty (Sudra woman described as)	188
<i>Agriacæ</i> = <i>Agri Srenis</i>	61, 72, 73, 145	Bloomfield	17n
<b>B</b>		Board of eight Kulis—investigating into criminal cases subject to the superior jurisdiction of the heads of the Gana	123
Bahawalpur	157	Book of legal precedents—among the Licchavis	124
<i>Bahutara</i> —(greater number)	109	—meaning, of—	121, 122, 125
<i>Bala</i> army)	126	Brachmanor—Bráhmaṇalo	
Bána	163n	náma Janapada	76
Ballot voting	27, 109, 111, 134	Brahmagupta	35
Beas ( <i>Gr Hujras</i> )	66, 67n	<i>Bráhmaṇi</i>	31, 36
Bhabru—one of the elected presidents of the Andhaka		<i>Brahmanyá Deva</i> (Karttika)	150
<i>Vrihi</i>	191, 193, 195	or the God of war)	61
<i>Bhikṣu</i> constitutional allegiance)	120	Brahmin Empire	179
Bhāndāgarika	51	Buddha	55, 67, 114, 115, 116, 138, 179
Bhāudarkar, Ramakrishna Gopal	34		193, 194, 195, 197
<i>Bhargya</i>	39	<b>C</b>	
Bharhut sculptures	179, 181	Cabinet	51, 53, 83, 84
Bhatinda	152	Capitulation of the city	103
<i>Bhavya</i>	39	Caste	35
<i>Bhavya</i> constitution	89, 90, 133	<i>Chattrika</i>	41
—surviving in modern Bhuj (Kathawad)	91, 100	<i>Chattiyas</i>	46
<i>Bhava</i> —Gana	32	Chancellor	45, 46
<i>Bhaya</i>	126, 127	Chancellor of the Exchequer	51
<i>Bheda</i>	126, 127, 128	Clandragupta Maurya	141, 146
<i>Bhikṣus</i>	47, 87, 105, 106, 108, 109, 110	<i>Chara</i>	128, 127
Bhikṣu—Samgha	46	<i>Charanas</i>	20, 182
<i>Bhikṣa</i>	191, 194	<i>Charanas</i> (Vedic)	132
Bhoja	96	<i>Chhāṇḍak</i> vide Referendum	115
Bhojakas	90, 95, 134, 142	Chikkah Nika	44
<i>Bhojapitar</i> m—(hereditary)		Chumli Valley	179
<i>Bhoja</i> = <i>Rattika</i> or <i>Rashtrak</i>	89, 90, 96	Citizen—his liberty jealously guarded	52
<i>Bhojas</i>	89, 40, 60, 95, 141, 144		
—inferior	61		

	PAGES		PAGES
Citizens (inner and outer)	51	Council of Final Appeal	53
Citizenship ..	119,170	Council of Ministers	3,30
City republics on the Indus	157	Council of Regency	99
City states—mentioned		Councils—Equal right of	
as republics by Arrian	66,84,116	speech and voting	52
Clerks of the House (Lord clerks)		Country artificial)	132
—taking minutes of resolutions		Court of Appeal	35
and deliberations	113	Court of the Light	53
—called <i>Mahárajās</i>	113	Court of Justice	53
<i>Chhāda</i> vide Vote	108	Criminal justice	130
Chanda, Ramaprasad	31n	Criminal procedure (of the	
Chandra gupta (Maurya)	141,146	Lachchhavis)	181,185
Congress hall	50	—wrong comparison between	
Congress of Rājagṛha	106	the Tibetan and the	
Congress of Vesālī	104n	Lachchhavis instituted and the	
Coins	33,40,42,43 57 62,	so called resemblance between	
	65,67,68	the two refuted	181,185,186
Common policy of State	12	Criminal procedure (Tibetan)	
Common s a m i t i	21	—its stages described	185
Communal house of Law	... 50	Confederacies (of the Gaṇas)	
Community—Welfare (Seven			126,128,129,130
conditions of)	46 47	Criminal procedure	53
Constitution	37	Cunningham	40n, 62n <i>etcq</i>
—Bhaujya	90		
—Pettanikas	95		
—Gaṇarājya	99		
—Dvairājya	... 96		
—Rāshṭrika	95 96		
—Svārājya	91		
—Vairājya	92		
—Viruddha-rajjāni	99		
—Yauvarājya	99		
Constitutional Allegiance vide			
<i>Bhakti</i>	120		
Constitution (change of)	132		
Coronation	34		
Corporation	25 30 34		
Council of Elders	77,82,83		

## D

<i>Dalat lama</i>	189
<i>Danda</i> ..	127
<i>Dandi</i>	6
<i>Dāndakā</i>	35
<i>Danda-Aṣṭi</i>	5
<i>Dāna</i> ..	126
<i>Daman</i>	35
<i>Dātarnas</i>	40, 155
<i>Dāsa Bhodha</i>	8
Degraded castes — Under	
Hindu rulers	148
Deliberations	12,80





G	PAGES		PAGES
Gada—(A leader of the Viishṇis, brother of Kṛishna) 120, 192, 191		Gaṇas, when conquered by monarchs legal decision made subject to the appellate jurisdiction of the monarch or the royal chief justice, 124, their character 125—130	
Gāmugāmanika (president of the township) ... 119		Gaṇi ... 28, 29	
Gana—refers to the whole body politic and in the alternative to Parliament ... 125		Gāndhāras ... 60, 142, 144, 145	
—defects of their constitution 126		—have a <i>mukhya</i> instead of a king ... 145	
—executive body consisted of the chief and president ... 125		—their country famous for wood ... 145	
Gana bandhāna .. 30		—classified with Vasātis and Śibis ... 145, 175	
Gana Court ... 123, 124		Gaura-Śiras ... 4	
Gana 26, 27, 28, 29, 30, 31, 32, 40, 42, 50, 83, 84, 85, 86, 87, 89, 91, 96, 99, 104, 114, 119, 122, 123, 126, 128, 129, 130, 131, 153, 171, 179, 181		Gautamīputra .. 152	
—definition of ... 31		Generalissimo (Senāpati) 51, 52	
Ganamukhyas (the chief of the Ganas) ... —		Glauchukāyana =	
Gana-mukhya ... 127		Glauchukāyanakas 120	
Ganapūraha (assembly whip) 27, 107		Godāra (gana) .. 131	
Gana Rājās ... 54		Gotamīputra Sātākarni Sītava-hana ... 61	
Gana rājās ... 51		Gotra (race) ... 122, 130, 132, 133,	
Gana rajya (Government by parliament) 26, 27		—ethnic and political 134, 137	
Gaṇa - rājāni ... 26		Gotrāṇka .. 43	
Ganartham .. 31		Government (abstract) 28, 132	
Ganas (religious) 86, 131		Grāma .. 14	
Gana-state ... 110		Grāmanī 14, 15, 132	
Gaṇas governing body of the— —its functions (i) Conduct the affairs of the community, 125 (ii) held meetings and discussed Resolutions (iii) 125, saw to the administration of justice 125		Grāmanikah (town rulers) .. 157n	
		Great Rishis, ... 6	
		Greek letters ... 33	
		Grierson ... 212n, 214	
		Grunwedel (Prof.) 182, 182n	
		his opinions on the foreign types in Bharhut and Sāñchi sculptures quoted ... 182	
		Guild ... 41	
		Gulhakam (Secret method) ... 100	

	PAGES		PAGES
<i>Gunaṅka</i>	43	Imperial Code of Governance	4
Guru Govindla Sinha	8	Imperialism (federal)	137
Gyal tshab (Regent of Tibet)	185n	Imperial Systems	3
<b>H</b>		Incomplete congregation—can not transact official acts	107
Haihaya (royal dynasty)	145	Indian guild and caste asso- ciations	129
Harivamśa	87	—equality in	129, 130
<i>Harsha</i>	165	<i>Indrapāraha</i> (kula)	131
<i>Haṣṭaṅka</i>	43	Inhabitants (Vasantācam)	51
Heraldic mark	42	Inscription Kharicla	90, 95, 99
Hereditary leadership	95 96	Inscription Rudradāman	61
Hereditary Kings	85	Inscriptions Asoka	60, 89, 95, 96, 100
High Court	53	Inscriptions Gupta	92, 95
Hindu Constitutions—techni- cal terms for various classes of constitutions	83	Intelligence (department)	129
Hindu Constitutional traditions		Internal danger (in ganas) ..	130
decay and revival	3	Interregnum	99
Hindu kingship	25	Inviolability	.. 18
Hindu Law books	24	<i>Itana</i> ...	14
Hoernle (Dr )	40n, 131 86	Īśvara—(ruler—a technical term)	— 197n
Hindu Lawyers	6, 7	<b>J</b>	
Hindu Politics	4, 6, 7	Jaina Sutras on forms of government	99, 121
Hindu Republic—Ancient terms	20	Jupur State —	152
Hindu republics—a retrospect	137 138	<i>Jaishṭhya</i> (eldership)	91
Hindu Republics 3, 25, 28, 33, 35, 81		<i>Jamti</i> (Mild and minute interrogation in the Tibetan Judicial procedure)	— 185n
—Procedure of deliberation	103	Janamejaya	137
Hoshyarpur —	151	<i>Janapada</i>	49
House of Law	52 83	<i>Janapada</i> (maharāja)	135
Huna invasion —	165	<i>Janapada</i> (Rājanya)	134
Hyphasis	66	Janas	11n
<b>I</b>		<i>Janākar</i>	73
Ikshvāku—(Kshatriya dynasty)	185		
Ikshvākus	100		

	PAGES		PAGES
Jālamīn	35	Kaṣṭhāśālas	160
Jyāyāma	19n, 19n	Karaka deśtyas	135
Jānaki	30	Karaka jātyas	135
Janaṅga	1, 34 36, 41, 92, 120,	Karkota Nāgar	152
	121	Karmardhi (founder of a Kula)	131
Jāti (birth not caste)	119	Karpāyas	156
—(a secondary character)	135	Kāshimīas	155
Johiyā Rajputs — (Vide		Kaṣṭha	120, 131, 108 160, 188
Yaudheyā)	151	Kaṣṭha deśtyas	135
Joint federal constitution	41	Kaṣṭha Jātyas	130
Jolly	30 65, 203 <i>et seq</i>	Kaṣṭha philosopher	82, 86
Judicial administration	123	Kathians	64
Judicial Assembly	3	—Kaṣṭhas	
Judicial business—elaborate		— — one of the most powerful	
records kept	114	'nations of India	4 65
Judicial minister	52	— — their capital <i>Sankala</i>	
Judiciary	3	— — their social customs	60
Jury	58, 110	— — their law for destruction of	
— (ubbhikā) udvāhik <i>vide</i>		weaklings among children	66, 81
delegation committee	110, 111	— — election of their King	81
Jury (sabbā) odd number		Kaundoparatha	35
enjoined	110	Kālas	156
— of neighbours deciding land		Kālidāsa — and the Utsava	
dispute	110	Saṅketas	156
— Decision of honest majority		Kamandaka	
to prevail in case of division	110	Kamad/enu	7
		Kāśi Kosala	54
<b>K</b>		Kobada (founder of a family)	145
Kalaha (disputation)	87	Kakutstha (founder of a	
Kalki	167	family)	145
Kalpataru	7	Kambojas — Identified with the	
Kalons (Ministers Court in		people on the Kabul river	
Tibet)	185 186	(modern Kaboh)	142 147
Kammarachā [ placing the		Kaṇḍī takī	35
resolution text before the		Kaṇḍī sambī	30, 48
assembly]	107, 108	Kaṇḍī	44
Kambojas — inferior Bhojas		Kekayas	155
	60 61 62 142	Kerala (called Ugra)	100

# INDEX TO PART I

	PAGES		PAGES
Keralaputo ...	100	Kshudhrakas mentioned by	
Kharaparas=Kharaparikas ...	156a	Pātañjali but afterwards never	
—probably Karpāṣas of Mahā-		mentioned, probably fully	
Bhārata ...	156	amalgamated with the Mālavas	
Khattiris ...	59	during their migration 152,	
Khattiris—of Sindh ...	62	155,170,174	
—of the Punjab ...	62	Kula (elders) 53,55,89,123,126,	
Khāravēla ...	142	127,128	
King-consul ...	81,89,95	Kula (family)—as the basis of	
Kings— ...	11	franchise ...	119,120
—election disputed in a fable		Kula (in the sense of a court) —	
on grounds of unpleasant		—presided over by Kulakas 122,124	
presence ...	116	Kula (states) ...	86,119
—two hereditary ...	128	Kuloputṭa (cadet of a family)	
Kongdus (joint heads of local		careers open to ..	89,119
administration of the two		Kula of Rājās ..	85
divisions in the Chumbi		Kulaka ...	53
Valley) ...	180	Kula saṅgha ..	85,128
Kosalas 33,39,48,49,54,103		—Elders ...	130
Krishpa—elected president of		Kulas religious ..	86
the Audhaka-Vṛishpi, states		Kulika aristocrats) ...	123
his difficulties in conducting		Kukuras 57,59,155,157,194,197	
the federal council 12,87,120		Kupindas=Kaulindas=Kaup	
169,176 pp. 191,197		indas = Kulindrine—their	
Krishnāyana ..	116	coins are struck in the name	
Kṛita ...	152	of the King and the political	
Kshattriyas 31,60 61,71,100,122		community ..	82
Kshudhraka-Mālavas		Kurus 11,57,58,59,131,187	
—their league outlived the		Kushap coins ...	43
Maurya Empire ..	71		
—had no king 100,130			
—sent citizens to negotiate			
peace ..	81		
—elected a general ..	81		
—their handsome looks 87,			
133 134 135			
Kshudhrakas 31,35 37,38,60,			
68 69,70,71,72,73,81,84 86,112			

## L

Lachchu — (a corruption of	
Lakshmana in Bihar and Oris) 187	
Lakṣmi ...	42
Lakṣmiśāstra ...	42
Lakṣmīnara ...	187
Lakṣmīdhara ..	7

	PAGES		PAGES
<i>Lānchhana</i>	42, 13, 41	Magistrates of self governed cities	63
Laws for Kings . . .	7	—pronouncing final orders re	
Laws of republics	.. 123	weaklings among the children	
Lawyer-Judges ...	53	of Kāṣṭha tribe	66
Leaders of ganas	129, 130	Mahābhōja	90, 107
Lechchakis	54	Mahā Kassapa ...	106
Legal procedures	129	<i>Mahārāja</i>	39
(Vyavahāra)		Mahārāja Janapada	159
Legislation	131	—republican, of the democratic	
Lévi, Sylvain	38, 48, 59	type	159
Lechchhavika—owning allegi-		—their Śaiva coins	159
ances to the Lechchhavi cons-		Mahārājā, title of the recorders	
titution	121	of the House	113, 114, 120, 121
Licchchavis	45, 48, 50, 53, 54, 55, 57,	<i>Mahattaka</i> (distinguished	
58, 59, 68, 82, 85, 114, 124		members)	52
—their handsome looks	87,	Mahāvīra	179, 54
96, 163, 165, 170, 171, 174,		Makkhalis	33
175, 176, 179, 183, 181, 185		Mālava gana	29
—a ramification of the Videhas	185	<i>Mālarah</i>	134, 35, 37, 38, 60, 68,
—the derivation of the word		69, 70, 71, 72, 74, 75, 77, 81,	
from Sanskrit root discussed	186	84, 154, 155, 170, 174	
Life of Appollonius of Tyana	86	Mālavaka	175
Lord Clerks—(recorders of the		Mālavas—their modern descendants	
House)	113, 114	"	84, 57, 87, 151, 152, 153
<b>M</b>		<i>Malatya</i>	34
Madhyadesa . . .	137	Malawai dialect . . .	152
Madhyamakeyas	155	<i>Mal'ahās</i>	57, 68, 121
Madhyamikā	153	Mallakis	54
Madra (One of Madra bhakti)	121	Mallas	48, 49, 50, 54, 58, 59
Madrakas	57, 58, 59, 154, 155,	—two	131, 187
156, 170		Malloi	34, 68
Madras	39, 88, 92, 120, 131,	<i>Mānāṇa</i>	.. 43
133, 134, 138, 151, 155, 171, 188		<i>Mānava Artha Śāstra</i>	8
—their migration into Raj-		<i>Mantra</i>	12, 30, 83, 126, 127
putana	151	<i>Mantradhara</i>	40, 83, 151, 181
Magian features (in the		(those vested with the policy of state)	
religion of the Licchhavis)	179	<i>Mantra gupti</i> . . .	127
		<i>Mantra samāraṇa</i>	126

# INDEX TO PART I

	PAGES		PAGES
Manu ...	8,110,123	N	
Martial states (composed of		Nabhaka ...	.. 145
men of all castes)	134	Nachiketas	82
—of Eastern Rajputana	151	Nahapīna ...	152
<i>Matsya</i>	7,155	Nanda army ..	67
Mātsya Nyāya (anarchy)	97	<i>Narishā</i>	17n, 18
Matters of state	12	Nation (territorial) 132, post-	
Maundi mātā	44	Vedic, artificial and philosophic	
Municipalities ..	14	stage	133
Maurya Empire — extending		National assembly	11
up to Persia	141	National judicature	18
Megasthenes 25,63,84,132,133,189		Nationality (political) ..	133
—divides the country into two		Nationality (tribal)	133
forms of government	63	Natti-chatuttha (The four	
Menander ..	38,95	ñatti procedure) motions	
Military Art	36 37	moved three—the rules re	
Mint-Master	42	them ..	107,108
Minutes of the meeting	113,114	<i>Natti dūtiya</i> (the one ñatti	
Mongolian origin of Hindu		procedure, (rules re motions	
republics (the theory of) ..	179	moved once	108,102,109
based on the snubnoses in		Natti-Jñapti Vaidi Motion	104
Bhārhut and Sāñchi sculp-		<i>Naya</i> ...	6
tures, and the customs of the		Nābhakas	133,145
Himalayan hill men	179,	Nābha pañktis	143,145
refuted pp	180 189	Nābhutino the three Nābhas)	145
Mitra labha (alliance)	142	Nāgar ..	152
—to allow the strong to live		Nāgaras—(citizens of the capital	
and the weak to be reduced	142	or the members of the capital	
Mixed constitution	123	Assembly)	115
Monarchical nations	58	Nāni ..	43
Monarchy	33 95	Nārada the Sage to whom	
Note hall	50,114	Kṛishṇa relates his political	
Motion	104,105,107,111,134	troubles	163, pp 191—217
(ñatti or Jñapti)		<i>Negama</i> (City Assembly)	115
Musaeus—Muchukarpas	75	Nemi	87
—Mousikianos	37	Nepal ...	19
<i>Mubhūti bhūti</i> coronation		—coins	43
of the Mallas	10	<i>Nibandhakāra</i>	6, 7

	PAGES		PAGES
Nilāyas .. ..	44	—analogy with Spartan cons-	
Nivāsa (domicile)	121	titution .. ..	77
Nīlakantha ... ..	6	—two hereditary kings as	
Nichyas ... ..	91	commanders .. ..	77
Nīti .. ..	6	Pañchālas 12,14,31,57, 58,	
Non-delegation System among		59, 137	
the democracies .. ..	84	<i>Pancha Tantra</i> ... ..	6
Non monarchical communities		Panday (Mr.) ... ..	172
in the inscription of		<i>Pankti</i> ... ..	145
Samudragupta ... ..	156n	Paṅgiter ... ..	74n
Nyasa .. ..	33	Parikshit ... ..	137
		<i>Parishad</i> (Parishat) 13,15,20,21	
O		<i>Pārśva</i> ... ..	35
Odomboeres ... ..	160	<i>Pattāvalis</i> ... ..	86
Oligarchy of the Bhoja Petta-		<i>Pat</i> ... ..	14
nika ... ..	96	Patiala state .. ..	152
One Chamber constitution ..	44	<i>Paura</i> ... ..	3,32
Opinion of the majority 103, 104		<i>Pāchittiya</i> (reopening of a	
Opposition to a motion 115, 116		settled question liable to	
Ossadiot .. ..	74	censure) ... ..	113
Ostracism (among the		<i>Pālana</i> ... ..	5
Aśvīkakas) .. ..	173	<i>Pānini</i> 92,94,120,121,122,	
Oxydrakai = Kshudrakas 34,		132,134,135	
68,72,86		Pāras kara (district) ... ..	135
P		Pātāna-prastha ... ..	77
Parliament 27,50,52,83,84,		Pātimokkha .. ..	104
85, 114		Pātimokas .. ..	142,143,157
—of 50000 representatives 67,180		Persian Coins ... ..	33
Parliament (federal) .. ..	191	Pettanika 89, 90,119,142,103,157	
Parliament—matters discussed in	52	Philostratus .. ..	86
Parthian Sakas .. ..	152	<i>Pitentikas</i> (see) Pettanikas	
Party ... ..	41,42	Pitentikas ... ..	95,96
<i>Patala</i> .. ..	77,85,128,151	Pointless speeches ( <i>anaggam</i> )	
—preference for migration to		precautions against 110, 111, 112	
submission .. ..	77	—Referred to a jury or com-	
		mission .. ..	110, 111
		Political Authority — resting	
		with the Gapa or Samgha ...	82





	PAGES		PAGES
Rija-Dharmā ...	5	Republican in the name of gāṇa	132
Rajagriha ...	106	—in the name of the country	132
Rājaka ...	31, 41, 54	—With gāṇas as Protector	
Rānakulas ...	85	( <i>trāṇaya</i> ) ..	132
Rāja—election and re-election	11	—in Rajputana; recorded in	
—President of republic. Vide		Mahā-Bhārata ..	155
President	185	—new historical instances	131, 132
Rājanya form of government	36,	Republican States—	*7, 64, 82
30, 40, 41, 57, 134, 154		—And the Guptas	163, 164
Rājanyas—proper name of a		—administration procedure ..	49
political people	100, 158	—bravery	170
—a democracy ..	159, 160	—dharma of and	
—whole Janapala consecrated		—dharma samgha ..	117
to rulership ..	159	—enumerated	
Rājanyaka ..	31	Kolyas,	
Rāja Sabda republic which		Kaundibrisas	
recognised the title of Rājan	82	Mallas	
Rājapadapajivin ..	36	Moriyas,	
Rāja-Sāstra ..	5	Licchavis,	
Rāja vishaya (self ruling dis-		Sekyas	
tricts) under Asoka	143, 144	Videhas,	
—Six out of eight republican	146	—Butas, Bhaggas	48, 49
Rājānta ..	43	—formation of new	131-135
Rājukas—(Kingleis)	85	—Gopālavas	
Rāma-Dasa ..	8	—in Artha Śāstra	... 57-82
Rāshtrika 89, 90, 95, 96, 119,		—in Buddhist literature	45
134, 142, 144		—in Greek writers	.. 63
Rashtrika—Sāpatya (board of		—in Kaśika	.. 79
leaders not hereditary)	95	—intellectual and physical	.. 86-88
Realm Diet	3	—king consul	57, 59, 60
Referendum (Chhandaka) of		—Maurya policy towards	.. 141
the whole city to elect a king		—mostly obliterated during	
to a vacant throne	115	the imperialism	.. 149
Republic 28, 30, 33, 38,		—nation-in-arms	.. 60
37, 38, 116, 125		—noted by Greek historians	.. 64
—national or tribal basis	132	—Pāṇini	... 33-41
Republican coins	48	—principle of equality pre-	
—dissensions	173, 177	valued among them	.. 170

	PAGES		PAGES
—their system of justice	53	—their re-appearance in	
—the Málavas (Malavis) their		Sunga times, their migration	
modern descendants	103	—their longevity	174
—the Maurya policy of		—the legends on their coins	153, 142
breaking up of	108	—under Asoka	142, 143
—their administrative virtues	170	—under the Maurjas	141 148
—their cultures		—their status varied according	
—their disappearance	163-160	to their strength	142
—their love of liberty and		Republic of politics	117
migrations	154, 105	—turned into trade guilds	09
—their moral assets a high		Representatives	11
sense of justice, discipline,		<i>Pes Judicata</i>	113
respect for popular feeling	169	Resolution procedure	115
—their systems estimated,		Resolution	
p p 159	177	—before the samgha	100
—their weak points many of			18, 116, 114, 124
these were small devoured by		—moved at the instance of	
large states and ceased to exist		the Buddha	105
when conquered	175	—party affected formally	
—its mover	101	informed of	105
their disappearance in the		—repeated thrice assembly	
end of the fifth cent		remaining silent, was declared	
—were a nation at arms prone		carried	105
to form leagues	170	Revenue (collection of)	120
—unnamed on the Ravi		<i>Potana</i> founder of a gana)	131
	65, 00, 67, 65	Riksha parent potthakān	52

	PAGES		PAGES
<i>Sibha</i> a popular body	17	<i>Simiti</i>	11-16
—its composition	16	—functions ...	11
—its judicial function	80	—its President	14
—its resolution	18	—constitution	14
<i>Sabha chara</i>	19	—historical career	15,16,17,18
<i>Sabha pati</i>	18	Samkarshaya (A leader of	
Sacrament essential in every		opposition to Krishna)	192,194
constitution	100	Samsthagira	50
Sagala—Madra capital		Samudragupta—	
described	93,94	<i>Simula Pinaya</i> —vide pro-	
<i>Sachitta</i>	32	ceeding in presence	—
<i>Sajala</i>	119	<i>Smardhya</i>	137
<i>Sakata</i> — <i>Tyila</i>	61	Samvajas	59
<i>Sakanna jappalam</i> (whispering		Sankhila	156n
method)	110	Sanchi Sculptures	179,181
<i>Sakas</i>	6	Sakila	61,65
<i>Salaka</i> vide Voting tickets	—	Sankaracharya	165
<i>Salila Grhaka</i> (collector of		<i>Sanketa</i> —resolution passed by	
votes) his five qualifications—	100	a republic	156
<i>Salaka Grhaka</i> (Collection of		Sanskrit—Iranian bases	60
votes)	190	<i>Santhagdra</i>	50
Samayas (the laws of ganas)	124	<i>Santo</i>	19
Sambos	76	Sapindi Nikaya	44
Samgha Constitution—politi-		Sarasvati	155
cal and religious	103,104	<i>Saryota Manava</i>	14
Samgha 26 27,28,29 32,33,34,		Sasanka	165
35,39 42,43,44 50, 78 83 105,		<i>Sati</i> —practised by the	
106,110 111 112,116,119 141,		Katharians	64
142,151,—		Satiyaputo	100
<i>Samghadharmas</i>	85	<i>Sandrajanas</i>	156
Samgha elders of, fathers of,		Salankayana 134,145,150,159,	
leaders of	47		160,188
Samgha political	93	Sabala	98
Samgha religious	28 33 103 104	<i>Salatila</i>	122
<i>Samgha</i> 28 99,158,169,191		Salya gana—members, old	
	194,196	and young	50
<i>Samgrahak</i>	14	Sakya muni	115
<i>Samhavana</i>	28	Sakya parliament	120

	PAGES		PAGES
Sikya	13,49,50,87,103,116, 117,120,138	Sind Valley ..	.. 38,39
—their nationality described	137	Sini ...	... 41
<i>Sāma</i>	126	Sister marriage (the custom of)	
<i>Sāpateyyam</i> = Pettamika	80,90,95	does not prove when origin	
<i>Sāphalka</i>	41	of the Sikyas	137,138
<i>Sāstra-Vārtta</i>	62	Sivaji Chhatrapati	8
<i>Sāstropajarin</i>	36	Sodrai = Sandras	74n
Sitvat Bhojas	... 174	Sohgaura plate	... 44
Sitvats	80,90,91,100,131, 135,139	Somadeva	7
—Constitution ..	159	Sophoi	86
Schisms (in Buddhist sangha)	131	<i>Sophytes</i> = Saubhuti	65,66,120
Scope and sources (of Hindu		—Sopenthes	66
Pohty)	38	—their Social customs	66
Sculpture	131	—the intense political character	
Seals ...	42	of the individual	81
Seats in the assembly	104	—then handsome looks	87
Second House — composed of		<i>Sorika</i>	61
elected elders	81,83	Sovereign Assembly	1,11
Seleucus ...	141	Sovereign states	37
<i>Senā</i> ..	20	Sovereign—Whole country	58
Senāpati (General)	135	Sovira	63
Senate ..	41	Spartan constitution	66
Senart	72,82n, 170etseq	Spies	123
Sibis	155	<i>Sringhna detiyas</i>	135
Siboi = Sibis	64,74,75,77	<i>Sringhna jatiyas</i>	135
—Saibyas	65	<i>Srens</i>	60,73,74
—Sivis	64	Standards	42
—their migration — their		State	28
coms	... 153	State based on contract	134
Signature	43	State mark	13
Sikhs	67	States—ambiguously described	73
<i>Silpa</i> (art)	87	Pheglas = ? Bhagala	
<i>Smaidna crematorium</i>	134	Glausai or Glaukanikoi	
Smith, Vincent	143	States bearing personal names	134
Sindhu	121	State-secret ..	123
Sindhu Sauviras	38	Strabo	66
		Sudhamma Sabhi (The Hall of	
		good law)	113

	PAGES		PAGES
Sudras ..	34, 158		
Sūkra ..	6	T	
Sūkra nīti ..	110n	Tacitus ..	14n
Sūngas ..	60, 61, 148	Takshasilā ..	121, 145
Surāshtra—The country owing its name to the Rāshtrika constitution ..	95	Tamil country ..	141
Surāshtras ..	157	Tarapuwāla, Sorabji ..	4n
Sūtra dharmas ..	53	Taxation ..	3
Suttadhara = Sūtra dhara ..	145	Tassa-pāpiyyasikā kamma ..	105, 106
Sūtras ..	7, 8	Tāvatisa ..	87, 113
Svāyambhūva Manu ..	8	Technical literature ..	4
Svārājya ..	91, 92, 133, 149	Thākuri family ..	96
—equals ..	91	Theocratic government (of the Chumbi valley) ..	181
—elected president ..	91	Thomas, F. W. ..	29
Svetaketu ..	12, 13, 14, 188	Tibetan affinities of the Lichchhavas ..	
System, republican, their criticisms ..		—paper on by Mr V. Smith ..	183
—their material prosperity ..	170, 171	theory of Tibetan origin discussed and refuted ..	180-181
—they were good agricul- turalists ..	171	Tibetan government ..	180
—separation of powers and functions among them suggest sagacity and a vast constitu- tional experience ..	171	Tibetans ..	179
—absence of sacerdotal ele- ment in their chiefs ..	171	Tibut ..	59
—philosophic basis of the —states ..	171, 172	Titles ..	33
their elected ruler a servant of the state ..	172	Tokharis ..	6
extreme form of individualism existed in some, in others individuals existed for the state, and in most others, the state and the individual were identical ..	172, 173	Town rulers ..	157
		Township ..	41
		Trade guilds ..	21
		Transition from monarchy to republic ..	74
		Tribe and state ..	
		Indian points of view ..	76
		Tribes ..	11n, 26, 29, 30, 35
		Trigartas ..	155, 170
		Trigartta Shashtha ..	35, 38
		Triksāla ..	145
		Tsān di (Tibetan Judicial procedure) ..	815n
		Turnour (author) ..	521, 53n

# INDEX TO PART I

		PAGES			PAGES
<b>U</b>			<b>V</b>		
Uddeha (gava) ..	..	131	Varga ..	..	41,122
Udichis (Northerners) ...	...	144	Vargin ...	...	141
Ugra ...	...	100	Varāha—Mihura		62,167
Ugrasena—one of the elected presidents of the Andhaka			Varshakūtra ..	...	176
Vrishqi ..	101,103		Vaśi ..	...	137
Ugrasena ...	103,107		Vasātis ...	...	75
Ugrasena Bahhu ...	...	41	Vāndera (Krishna)		102,104
Un-anointed ruler	101		Vāsudeva .	41,12,120,121	
—an unlawful ruler—a term of contempt in Hindu politics	101		Vasugana .	..	32
—applied to foreign tribes in the Purāṇas ...	...	101	Vatsas ..	...	30,49
Upāli ...	...	106	Vāhika ...	31,36,38,78,169	
Uparāja (vice—president—of republic) .	...	185	Vāhyāh	..	126
Upayit ..	86,97		Vājipeya ...	..	91
Upāya ...	5		Vāmarathas	...	159,160
Upper House of Elders	73		Vārtā śastropayicīnah	..	60,67
Urna-Nābhas ...	..	115	Vāśkthas, Mallas styled as ..	187	
Uśanas	5		Vedic Assemblies	...	9—16
Uśinara	137		=Coronation	..	12
Uśana's Dāvda Niti	6		=Kingship ...	..	11
Utsava-Saṅkētas—	156,157		=rituals used in the consecration to political rule by the republicans	188-189	
Uttamabhadras	152		Vibhedana	126	
Uttara Kuru	92,93,137,188		Vice president (Uparāja)	..	51
Uttara Mādias .	58,92,93,94,174		Vidatha	...	20
Uttarāpātha (northern regions)	144		Videhas	39,43,45,48,53,58,	132,170,
Uttara-Vahissaha (gava)	131		Vidyā (Science)	..	87
Uvāla (Bhikkhu)	103, 106		Vikrama ...	...	61
<b>V</b>			Village constitution	14,15	
Vaiśali	51,54,85,186		Village panchāyat	63	
Vaisya	11		Vinaya	103, 106, 107, 108,	112, 112
Vairājya (Kingless constitution)	92, 94, 99, 100, 133, 181, 189		Vinda	96	
			Vinichchaya Mahāmatas ..	53	
			Viruddha rājās (states ruled by parties)	99	
			Viruddha rājya ..	..	42

	PAGES		PAGES
<i>Vijay</i> —	94	<i>Vinichhiya mahamatta</i> — <i>Vinis</i> —	
President of vairāja republics	94	<i>chaya mahamatra</i>	— 185n.
<i>Vitah</i> ..	11	Whitney	20n
<i>Viśvāmītra</i>	161	Winternitz	214
<i>Vinatakam</i> (open method of vote taking) ..	110		X
<i>Vohānikas</i>	53	Xathroi	59,61,74
<i>Vohānika</i> = <i>Vyāvaharika</i>	185		Y
Vote—(Chhanda)	103,104,108, 109,115	<i>Yadus</i>	11,188
—Connoting free will and choice	108	<i>Yak</i> sacrificed	— 180,181
—Of absentees	108,109	<i>Yaksha</i>	— 181,182
Means of taking	110	<i>Yakshini</i>	— 181
<i>Vyāḍi</i> grammarian)	183	<i>Yasodharman</i>	— 165
Vote taking Open method		<i>Yanvarāja</i>	99
( <i>Vinatakam</i> )	110	<i>Yukta</i>	127
Secret method ( <i>Gulhakam</i> )	110	<i>Yadavas</i>	40,90,104,107
Whispering method		<i>Yaudheya</i>	35,36,39,40,49,57, 61,67,74,78,83,133,134,145,149
( <i>Sakana jappakam</i> )	110	—their constitution had an elected president, had an exe- cutive committee, their coins and seals struck in the name of Yaudheyas and their cabinet	151
Voting	...	—survived the Mauryan empire, the Satraps, the Kushanas—their military glory in Second Century A C testified by Rudra- dāman,—by Samudra Gupta	149
<i>Vyāsa</i>	19n	—their elected president 150, their coins found all over the country between the Sutlej and the Jumna their presi- ding deity or state-lakshaga Kārttikeya, the god of hero- ism and war	150
Voting tickets ( <i>Śalākā</i> )	27,100,110		
—Made of wood	100		
<i>Viddhas</i> (elders)	10,57,58,63		
<i>Vijaya</i> (One of <i>Vijay Bhakta</i> )	120		
<i>Vijayis</i>	40,41,66,77,87,120,182, 131,157,169,188,191,195		
<i>Vijay-Vajjis</i>	39,45,19,33, 186,120,121,123,124,135		
<i>Vijā</i>	35,58		
<i>Vijayni Satyā</i>	120		
<i>Vyavahara</i> ..	127		
	W		
Wajjian— <i>Vrijjian</i>	— 181n		
Weber	70n		
Walsh (E. H.)	170,180		
Weber and Āpistā	70		



PAGES	PAGES
—their next destroyer for own rule of the northern Satraps leading to the immi- gration of the stronger re- publics to Rajputana—154, 155, 174, 181, 188	were self-ruling—organised as a city state of the Indian republican type in the time of Alexander, probably Perso- Greeks Hinduised Greeks —regarded as Indians by Alexander's companions
—their disappearance from history sometime before the tenth century A C—the Johiya Rajputs their modern descendants 151, 152	—their state organised as aris- tocracy—their president called <i>Akoubhis</i> 147—148
<i>Janakeya Gana</i> (Yaudheya Parliament) . 150	<i>Yavanāni</i> (Script of Yavana)— 146
Yaudheya coins—Three classes of 150	<i>Ye-bhujjasi kam</i> = The opi- nion of the greater number 109
Yavanas 33, 146, 147	= <i>Ye-bhujjasi yakam</i>
Asoka's Yavanas contiguous to the Kambojas Greek colony on or near the Kabul river	<i>Yonas</i> 142
	Z
	Zimmer . 11n, 20n

# INDEX TO PART II.



		Pages		Pages
<b>A</b>			<b>Anusamyāna</b>	148
Abhishechana . . .	25		(See Transfer)	
Abhishechanīya (Sprinkling)			Anāthapindika (See Sudatta)	
	15, 23			156, 157
Abhisheka	27, 44		Arbitrary Rule	45n, 46, 47
Abu Zaid	190		Aristocracy	63
Acclamation on coronation	43		Aristocracy-in-poverty	101, 112
Accountant-General	19		Army, maintenance of	134
Adhikarānas	131		Arrian (author of Indika)	190
Adhikārins	118, 131		Arthasāstra, commentary on	
Administration, city,	70			182, 183
—of estates of deceased			Artizans	10, 42
persons	72		Asoka	18n, 52
—by king and the city	72		—and his new Dharma	96 121,
Age for coronation	52			125, 120, 132
Agni-Mitra	53		—and Ministry	144, 145, 146
Aikshvākas	60		—and constitution	144, 145, 146
their country	61		Asvamedha (Horse sacrifice)	17
Ajātasatru	110, 126		Ashtapradhāna	123, 124n, 202
Akshapāṭala,	19		Assessors	141, 143
Akshāvāpa	19, 21		Asuras	4-5
Akshasālā	19		Atyāyika	131
Alexander	110, 111		Avanti	196
Allegiance and protection	164		Ādhipatya	28, 193
Ākara	173		Āryaka	50
Amātya	123, 126		Āsandi (throne)	25, 28
Aṅga	61		Āvid (Announcement of	
Antaravamsika	133		king's election)	26
Antapāla	134		Āśramas	109
Anugrahas and Paura-Jāna-				
pada	93, 94, 145		<b>B</b>	
Anumati (Sanction by Paura-			Babylon	206
Jānapada)	22, 94		Balasri (Queen)	161



## INDEX TO PART II.

	Pages		Pages
Chariot-makers	10, 20	—collection of waters for	24
Chānakya	103		27, 28
Chief Justice	123	—human ideas underlying	22
Citizens of the Capital (See		—its history	46
Pauras),	43	—oath in Mahā-Bhārata .	45-45
Civil List	18, 135, 184	—womanhood at	43
Commander of the army	9, 16	—oath and Brhadraha	
Communal officers	9	Maurya	50
Compensation bills against		—oath in Muhammadan	
Crown	98	times ,	52
—Paura-Jānapada	98	Corporation	65
Coins, Naigama (Negama)	75	—of cultivators	6
debased silver	162	—of merchants, cattle	
—Dojaka	78n	breeders, bankers,	
—Eran	78n	artists	75
—Janapada	79	Country—as God in the eyes	
—Paura	78	of the king	45, 61
—Ujeniya	78	Creator,—and Constitution	55
—imperial	28	—as constitutional broker	
—republican	2B, 40	between Manu and men	163
Consecration—royal	5		
—of Sivaji Chhatrapati	51	<b>D</b>	
—in Muhammadan times	51	Danda	57, 129, 145
Constitution of the East	4	Dandamis	110n, 111
—Principles of, in coronation		Dandanāyaka	147, 149
	42	Dandapālā	134
—under Asoka	143, 144	Durgapāla	134
	145, 146	Dasaratha (Aikshvāka)	63
Contract (theory of social)	5, 56	Dasaratha (Maurya)	52n
—between king and people	84	Dāsabodha	206n
Coronation ceremony	14	Dauvārika	131, 133
—and age for	52	Departments	131
Coronation oath	6	—of mining and manufac-	
—analysis of	49	tories	173
—and foreign barbarians,	53	Deposition and	
	160	—re instatement	11, 40, 50, 55
—breaking of oath	50	—and Paura-Jānapada	83, 188
		Desa	62

	Pages		Pages
—Saṃgha .	65, 66, 67	—of Rudradāman	52
—adhyaksha	67	Electors .	11
—sthiti	107	Emperor	15
Dharma Sālā	44, 82	—chakravartin	197
Dharmādhyaksha	13	Empire	15, 28, 61
Dharmādhyakṣin	159	one-umbrella—	196
Diet (Parliament)	108	up to occan—	197
Divine Origin of kingship		—of religion	197
—Theory of	56 58	Endorsements	138, 139
Doab	194	Excise	165
Duncker	207, 208n	—duties	168
Durga	62	Exports	
Duties, import	168	duties on—	168
Dūta	123, 127, 138	policy towards—	168
Dūtaka	150		
—meaning of (administra- tion),	149	<b>F</b>	
<b>E</b>		Federal Imperialism	195
Economic —policy	172-3	—Generalissimo	195
—enemies	170	Feudal theory	181
Economics	172-3	Fiscal policy	165-172, 173-74
—and government	171	Folk	10 11, 21, 24
Ekārāt	9	Forest, Master of—	19
Elders	44	<b>G</b>	
—of Pāñchāla	44	Gambling officer	19
—their wives —	44	Gaṇa	65
—of the council of Town- ship		(republic)	107
Election royal	5, 6, 7	Ganges	4
song of—	7	Gascoignes (Hindu)	158
—for life time	10n	Gautama Dharmā Sāstra	
—for a longer period	40	—on etiquette between Brāh- min and Sūdra Pauras	72
ritual of, followed even in Moslem times	51	Generalissimo (see Commān- der in-chief)	
tradition of, kept on for	51	Gentlemen usher	43
future of lines	51	Ghalib	206
—of Pāla king	51	God	206
		Gokartri	21

# INDEX TO PART II

	Pages		Pages
Gopāla (Pāla King)	51	Hermits and Politics	109
Govardhana	77	Himalayas	194
Government		Hindu Monarchy—	
game of—	37-38	antiquity	3
central—		Megasthenes on—	3
despatches from—	125	—Rigveda on—	3
—of Chandragupta	128 137	Aitareya Br on—	3
—on conquest	179	Hindukush (India's natural	
Govikartā	19	frontier)	190
Govindarāja (commentator)	104	Historigrapher	18 135
	105 <sup>n</sup> 127 135	History—recording of events	18
Govindā Simha (Guru)	202	past—	202 203
Grāma (village)—Saṅgha	65 66	Holder of reins (ministers)	18 <sup>n</sup>
	69 70 <sup>n</sup> 73		
Gramanī	9 18 20 42 100	I	
—Vaiśya—	18	Imperial systems of Hindus	193
Greeks	50	—field	194
Guilds—		Imperialism Philosophic	
—their presence at royal		grounds for	61
ceremonies	44 64	federal—	195
—merchant	66	—its disapproval	197
—of the city merchants	76	Gupta—	198
Gupta period	127	Imports duties	168 173
—ministerial designa		allowable—	168
tions	149	Industries statu	173
—inscriptions and transfer			
of land	180	J	
—and government of		Jambudvīpa (India) on	
districts		Empire in entire —	61
Samudra—	189	Jana (Body)	71 <sup>n</sup>
Gurus	135	Janaka	4 <sup>n</sup> 195
Gymnosophists	110	Janapada mahātara	67
		—samavāya	83
H		Janas (nations) Aryan and	
Harishena	149	Non Aryans	191
Harsha (Emperor)	1	Janya	25
Haviḥ	21	Jaricandha	4 <sup>n</sup> 195
Hastin (king)	150	Jāti Saṅgha	65 66

	Pages		Pages
Jānapada (Assembly)	42, 44, 62	Kārmāntika	134
—and Asoka	96	Kāsi-Kosala	61
—and fresh tax	94	Kātya (lexicographer)	70
—and Prime-Minister	8	Kātyāyana (lawyer)	69
discussion on—	62, 63, 67		102, 117, 179
inner and outer bodies of—		Khālimpur Copper-plate	44
president of—	99, 100	Khāraṇa	3
—represented the whole country	101, 145	King—Vedic; speech by—	
Jānarāja	24, 194	hearing of causes by—	155
Jeta (Prince)	156, 57	his "incapacity"	139
Judges—in Persia	15	his seal	140
—Brahmins	153	his share	165
—in Mricchhakatika	154	his utility	186
—his province	155	Jātaka on—	180, 184
—and Prince Jeta	157	Justice disposed in the name—	
Judiciary	152, 153	of	156
Jumna	4	to Paura-Jānapada for	98
Jury	155	extra taxes	90-91
Justice, Chief	123	—and protection	124
—and fall in litigation	156	—Hindu-, whether a personal ruler—and justice	155
case of Sudatta vs Jeta	156	—as master-servant	163
	57 d	—who fails to protect.	164
—king hearing appeals	155	—constitutionally slave,	
hearing of causes by king	155	morally master,	185
—on Justice	158, 159, 120	—deciding law-suits	117
		—foolish and unfit	117
K		gifts by—	10
Kaba	206n		12
Kakud	9	—when a thief	140
Kaṇika (Bhāradvāja)	129	ruler	105
Karmānta	173	—and Brahmin	36
Kashmir	197	—Announcement (of election)	26
Kaṇḍiḷya	113, 129	—as Protector of Law	23
(Chancellor)	161	—to follow law	44
Kālidāsa and Pushyamitra's letter	53, 189	—his salary	135
Kānyakubja	44, 82	Investiture of—	26

# INDEX TO PART II.

	Pages		Pages
King (See Rājan),		Kurukshetra	4, 12
—duty	12	Kurus	30
his engagement not to be			
arbitrary—	44	L	
—his natural vestments	25	Land, proprietorship in	174-83
his official dress	25, 35, 43n	Law,	183
homage to the elected—	36	anādeya vyavahāra	68
—national	30	—and Brahmin	153
representative character		—and Coronation	52
of—	37	and king	35
symbolic beating of—by law	35	—and taxes	161
—to be protected by the		Composition of new books	
People	28-29	of—	159
vesting of sovereignty in	0	—constitutional	153
and purpose of—	33, 34	Dharma—	153
King elect	15, 16	—for kings	152
—approval of by Mother		—King of kings	152
Earth	22	king under—	57
King-makers	9, 21, 115, 116	minister of—	158, 59
Kingship (Hindu),—basis		new—	159
and theories of—	38-39	of Jati, Jānapada Sreṇi	64
origin of	4	Paura Court and—	73
Kosala	110, 196	—reform in	159
Kratu	6	reform in procedure—	159
Krishna	43	rule of—	57
Krishna-Dvaipāyana	99	Legitimacy theory of—	189
Kshatriya	20, 43	Lekhya, popular—	72
Kshattā	21	rājakīya	72, 140
Kshattri (chamberlain)	18	Leopard skin	10
Kshirasvāmī	70n	Lichchavis	110
Kshudrakas	72	Loan interest on, and legal	
Kukkutārāma (monastery)	121	years	53
Kula	65		
Kuhka	105	M	
Kumārī	18n	Macdonell	11, 30, 42n
Kumārīdhyaakshī	125	Macdonell and Keith	181
Kumārāmātya	147	Magadha	4, n, 61, 194, 196
Kunāla	68, 121n, 125	Mahā—	147, 149, 193



	Pages		Pages
—Dandanāyaka	126 147	its theory of king's servi-	
—bhūmi	177	tude to Law	57-58
—prithivī	178	—written under the revolu-	
Mahā Bhārata war	60	tionary regime	54
—its date	206n	Medhātithi, his political	
Mahāmātras	125 148	definition of Āryāvarta 113n, 119	
Agra—	126, 148	on mines	173
Mahāpadma	194	Megasthenes—monarchy in	
Mahattaras	105	India	3-619
Mahāvīra	197	—on failure of royal lines	51
Mahishī	16, 42	—on Pātaliputra	74, 101, 102, 103
Mani (armlet)	9, 20	—on jurisdiction of Ministry	141
Majority	118 129	Midland and monarchy	4
Mantra (Policy of State)	142	Mīmāṃsā	174, 187
Mantrādharas	128, 129 130	Mines	173
Mantragrāhas	128, 129 130	—tax on	173
Mantrin 123 124 126 127, 133		Ministers	9, 21, 42
Manu	163	—and gift by kings	119, 120
Mantri parishad	122	—called "kings"	116
—and Paura Jānapada	130	council of, their number	122
Mantra parishad (Council of State)	118 122, 132	of Finance of Law, Home, War, Revenue, Agriculture Justice, Religion, Diplomacy	223
Mathurā	55n	—Chief	126
Maurya	17, 23	designations of—	126
—Bṛhadratha	50	for the Army	133
emperor, opposed by minis-		—of Diplomacy	127
ters	122	—of Finance	127
—princes	125	—of War,	127
Mayor of the city	71	—of mines and manufac-	
—of the palace	131	tories	134
Mādhavāchārya on proprie-		—of Revenue	133, 134
torship in land,	177-178	—of prisons	133
Māhārāja	28, 193	—of treasury	134
Mānava Dharma Sāstra		—of law	138, 159
age of	55n	—duty of—	138, 159
its theory of divine king-			
ship	55-57		
—displacement of the theory	57		

## INDEX TO PART II.

	Pages	N	Pages
—oppose Maurya emperor	122		
—origin of Hindu	21	Nagara	62, 68, 70n
—Rudradāman's—, refuse to		Nagala-jana (city-body	
pay for Sudarsa repairs	121	under Asoka)	87
—the four chief	43	Nagama	63 77
three classes of	135	—and capital	105
junior and senior	147	—and fresh tax	94
Ministry	137	its separate bodies	104
—and Asoka	144, 145, 146	think together	104
—and caste representa-		Nanda	113
tion	148, 149	—and taxation	165
—appoints Governor and		(nava) the upstart	113
other high officers	141	—Vardhana	196
Bhāradvāja and power of—	142	Nation	61
—appoints princes, collects		Nagadasaka (king of Magadha)	
and spends revenue, main			50 188
tains government,	142	Narada	110 112
Chandragupta and—	128	Naradas	110
—its duty	137	Nāyaka	133, 134
its jurisdiction	141	Nāgasamha	151
its procedure	138	Nechayika	101
Mint	19	Negama— coin	78
royal mint-master	79	—members for the time	
Mitrā-Varuna	25	being	100
Moghul—Bādshah	197 202	Neighbours	193
Monarch—Hindu terms	9	Nigama śabbhā	77
—sole taker of taxes	9	Nilakantha on proprietor-	
Monarchism, proper	137	ship in land or conquest	176
Monarchy, Great—	193	Nuns	170
National	60		
—Territorial	60	O	
limited (controlled)	137 193	Officers great of State	19
Monasteries	170	State—	37
Monks	170	Oligarchy	65
Motherland	34 36	Olympic Victory	14
Muhammadian	206	Orders, written and oral	138, 140
Muhammadian kings	37n	Overtlordship	193

P	Pages	Parliament, Joint, of Paura-	Pages
		Jānapada	79-80
Pagan thought	209	Peshwā	124 <sup>n</sup>
Palāsa	9, 20	Paura—Jānapada, address-	
Pan country sovereignty	193	ed as kings	81
Parna	10	—and Anugrahas	93
Paricchada	131	—and bribery by king	92
Parikshit (king of Kuru		—and compensation bills	98
land)	12	members of	99, 124
—Peoples' prosperity		—and Council of State	130
under	13	—and grant of extra taxes	90
Parishad	115, 120	—and Khāraṇa	90
Parisā	115, 141	—and Mantri Parishad	130
Parivṛkti	17	—their chiefs	131, 202
Parthians	55 <sup>n</sup>	—and poor relief	98
Paura	63	—and raising of army and	
of Takshasilā	68	money	88
	86, 87	—and Rudradāman's re-	
—and rascally ministers		pairs of the Sudarsana	
—and Samsthānaka	97	water-works	89
committees of	102	—and their daily business	
—Court	73	with king	95
executive power of Paura		inner and outer bodies of	81
of Takshasilā	96	—and Taxation	88
functions	72-73	—make or mar government	97
general meeting of—	88	Pālaka	50, 188
inner and outer bodies of—	71	Parameshthya	28, 193 <sup>n</sup>
Registrar of—	72	Pālāgala	17, 20 (courier)
insult to—	86	Pāshanda	76 <sup>n</sup>
laws of	106	Pāṭaliputra its administra-	
—Mukhyas and commit-		tion	74
tees	75	city magistrates of	74
presidents of—aldermen of—	82	Nagaraka of	74
Tishyarakshitā's letter to	96	their six boards	74
Pauranic	18	Political Philosophy	13
Paura Governor of Capital	134	Polity	
Pauras	42, 44	" Introduction to Hindu	181
		Polity'	

# INDEX TO PART II

	Pages		Pages
greatest constitutional—		Panditāmātya	123, 159
of antiquity (India)	207	Pañchālas	30, 60 82
greatest modern constitutional—(Britain)	207	Procession on Coronation	43
Hindu—its longevity and		Pushyamitra (Brahmin King)	48, 53
civil character	190, 206	—and Mānava Dharmasāstra	54, 70 <sup>n</sup>
Poor relief	98		
Public opinion	113 114	Q	
Portfolio	131	Queen	16
Post-Abhisheka ceremonies	35	—position of	16 17
Prāchī	4 194		
Pradhāna	123	R	
Pradeshī	134	Rāsa khān	206 <sup>n</sup>
Prādvivāka	123, 158	Rascals—royal	47
Pradyotas	196	ministers	86
Prajā	145 146	Ratna havis	16
Prakṛiti (as associations)	70	Ratnins	10, 20 36, 115
	118, 131, 132	Rādha Gupta	120, 121 <sup>n</sup> , 126, 146
Prasāstri	133	Rājadharmā	152
Pratinidhi	123, 124	Rājakosa	202
Pratiṣṭhā (Coronation Oath)	50	Rājanya	20
Prāvaschitta	127	Rājya	28 193
Pūga	69 77	Rājī or Rājān (king)	13 <sup>n</sup>
Prime minister	119 126	definitions—philosophic	
Prithu	47	constitutional, orthodox	
Prince-Minister	18 <sup>n</sup>	and heterodox	3 48
Proclamations	142	Rājikas	18 <sup>n</sup> 129
Progress constitutional	206	—assume full powers against	
Proprietorship, in land	174-183	Asoka	145 146
Protection reward for		Rājasūya	14 17 31, 53
taxes—	162	Rāja rishtra bhṛt	137
—and allegiance	164	Rāma	63 132
Priest, and kingship	59	—and Paura Jānapada	70 81
Pura	62, 68	—and public opinion	114
Parohita	16 20 21, 123 133	Rāmādēsa	206
—and Dharma law	153	Rāmādēsa (Guru)	111
Peace and war	127		

	Pages	S	Pages
Rāshtra (Assembly)	85		
Rāshtrāntapāla	131	Sabhā,	
Rāshtra	62, 67	composition of—	154
—mukhya	67	—in Ceylon.	151
Rāshtriya, or President of		—ruling	131
Rāshtra		(law court)	154, 160
Rāj	3	Sabhāsād	131
Recluse thinkers	109	Sabhya	118, 131
Record of cases	157	Sachiva	126
Re-election	11	Sajāta	37, 42
Reformation, of the Hindus	207	Sahāya	125, 131
Registrar of the Paura	72	Salaries,—of ministers and	
Registration, of documents	72	officers	135, 136
Representative	123, 124	—of the king	135, 136
Republican theory	5	Samāhartṛ	18, 127, 134
Republics—of North Bihar	4, 11	Samaya	65, 66, 106
Revenue	18	Samavāya	83
rigidly legal	161	Tirtha-, Sālā-, Sabhā-, Pura	84
—and Council of Ministers	162	Janapada-, Jana	84-103
Revival (Hindu)	111	Samgrahitṛ	18, 21
Hindu—its golden age	206	Samiti (National Assembly)	
revival of Hindu—	202	7, 13, 131, 60, 61, 116	
Sikh—	202	Samprati	1211, 125
Rex	3	Samrāt	41, 195
Rishis	4711	Samsthānaka	97
Ritvik	135	Samvid (enactment)	107
Rudradāman	50	Sangha Desa-, Jāti, Kūla-,	
—elected by all varṇas	52	Grāma,	65
—repairs Sudarsana water-		Pañchuka-	102
works with his own money—	89	Samūha	66, 69
—his repairs and Paura Jana-		Sannidhātṛ (Master of Trea-	
pada	89	sury)	18, 127, 134
realizes legal taxes	89, 121	Sarvamedha	14, 12011
—his ministers refuse to pay		Savara	17511
for Sudarsana repairs	120 121	Sakala	7011
—his ministers	120	Sākyas	110
Rulership, highest duty	186		

# INDEX TO PART II

	Pages		Pages
Sāmrajya (Federal Imperialism)	4, 28, 195	Sudatta, and Anāthapindika	156, 157
Sāndhi Vighraha	127, 138	Sudarsana, water-works, re-	
Sārthavāha	105	pairs of	89, 121
Sātavāhana	161	Sūdra	21, 25, 43
Sārva bhauma	28, 193	—and constitution	21
Seleucid empire	190	—emperor	196, 206
Selenkos	161	member of Paura	71
Senāpati	126, 127, 133	Sukra	163, 186
Senāni	16, 21	Sumantra (Minister of Finance)	123
Senart	77	Sulaiman (the merchant-author)	190
Sikh polity	202	Sulka	165
Sisupāla	195	Sūta (Court-minstrel)	17
Sivāji	112, 123, 202	Stabhāga	163
Smith, V.A.	180, 181, 182	Svakosa (King's Private purse), of Rudradāman and Dvaipāyana	99
—on 'native law' of India,	180, 181	Svārājya	28, 40
Soma	31	Svārya or Autocracy (arbitrary rule)	45 <sup>n</sup> 46, 47, 193 <sup>n</sup>
Somadeva-sūri	133	Svetakṣu	52
Sovereignty, one-king and one-umbrella—	194	Svāmbhū	6
Sprinkling (abhishhechana)	29	Sword sacrificial	37 113
Srāvasti	157		
Sreni	64, 65 77		
—mukhyas	104		
Sreshthun (President of the City)	71, 105		
State	9		
Sthiti	107		
Succession—hereditary	39, 40		
State, Tree of	186		
—and material and moral prosperity	188		
—a trust	187		
Hindu, civil	188		
telos of Hindu—	187		
—terms	202, 206		

	Pages		Pages
extra—, and Paura-Jānapada	90	Asoka's orders for	.... 148
fresh—,—and Naigama and		every three, five, ten years	147, 148
Jānapada ....	94	of ministers ....	147
indirect, policy of—,	173	of officers ....	125
legal—, by Rudradāman	89	Treasurer ....	
principles of—	165 166	Tree of State ....	186
Sulka— ...	165		
Taxes ....	9, 18	<b>U</b>	
—and Brahmin	31	Ujjain' . . .	125
—as king's wages for pro-		Under-secretaries	147
tection ...	97; 162	Uttarāpatha ...	86
collection of—	166	Usanas (politician)	122, 163
in proper place	166	Usurpation, theory of	196
in proper time and form	167	Usurpers ....	54
—fixed by law	161	—and sacrament of corona-	
—on hides ....	165	tion ....	54
—on imports ....	168		
—on industries	167	<b>V</b>	
—on mines ...	173	Vaishnavism ...	206
—on produce ..	165, 173	Vairāja	28, 40
Throne	15, 28	Vaisālī seals of	105
Tiger ..	10	Varga (body) . .	75
—skin . .	28	of Vāsudeva and Akṛūra	75; 125; 148
Treasury ....	18		
Tirthas . .	133	Vasishtha, on administration	
Tirtha-Sabhā-Sālā-Samavāya	84	of estates ....	72; 122
Tishyarakshitā .	68	Vājapeya ....	14, 16, 17
—her letter to the	7	Vālmiki ....	48
Pauras of ...	11	Vāmadeva (political writer)	
Takshasilā ...	96	....	97; 98, 112
Township ...	9, 18	Vārtā . ....	171, 172
—leader of ...	9	Vāvātā ....	17
President of—	105	Village (corporation)	18, 37
Trade, and commerce, re-		Vedic kingship ....	6-13
presentatives of—	103	Vena ....	47, 48
Transfer, ....		—the tyrant ....	50; 55, 188

# INDEX TO PART II.

	Pages		Pages
Vitihotras	196	Wines, foreign	168
Vice roys	125	Wisdom, floating	109
—their transfer	125	Women,— at Coronation	43, 44
Videha	41		
Videhas (nation)	60	Y	
Vikrama	52	Yasaskara (king of Kashmir)	155
Vis (people)	11, 37, 61	Years, legal nad regnal	53
Visvajit	120	Yudhishthira	43, 64
Vrāta	77	Yuvarāja (Crown Prince or	
Vyavahārika	134	King-Assistant)	42, 63, 81
Vyasa (lawyer)	67	<i>abhisheka</i> of,	81, 101, 112, 124, 125, 126, 133
W		Z	
War, and Peace,	127, 129, 145,	Zeus	111
Wickramasinghe	151	Zeylanica, Epigraphia	151
Wilks	181		



## ABBREVIATIONS

Account of the Merchant Sulaiman  
Recorded by Abu Zaid. Translated by Abbé Renaudot.

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A Ś, AŚ, R. Shama Sastry, 1909, Mysore,  
Kauṭilya, Govt. Oriental Library Series, Bib.  
Sanskrita no. 37.

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Bangalore, 1915, Same series,  
no 37, Part II.

Abhidhāna-Rājendra Jaina Prakṛita Kosha Ed. Rutlam, 1919.

Adhyaksha-prachāra, Notes on that section of AŚ. by Dr.  
notes on I. J. S. Taraporewala

Aggañña S. See Digha Nikāya  
Aggañña Suttanta,

Agni-Purāna ... Bengal Recension

Ait Br, Ānandāśrama ed  
Aitareya.,  
Aitareya Br.  
Aitareya-  
Brāhmaṇa,

Alberuni ... Author of Alberuni's India.

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1888

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- Amara kosha By Amarasimha. Ed. in Trivandrum Sanskrit Series Nos. XXXVIII, XLIII, LI, LII, by T. Ganapati Sāsthī with the commentary Tikāsarvasva of Vandyaghaṭīya Saivānanda.
- Amara-simha Author of the Amarakosha.
- Ambaṭṭha Sutta See D N , translation of, in Dialogues of the Buddha, Vol. I.
- Ambaṭṭha Suttanta... See D. N. Translation in Dialogues of the Buddha Pt. I.
- Anabasis By Arrian  
G P. Gana-Pāṭha of Pāṇini.
- Ancient India By Mc Clindle.  
as described by  
Classical Writers,  
or,  
Ancient India  
as described in  
Classical  
Literature
- Anguttara Nikāya .. Ed. by the Pāli Text Society.
- Anuś P See M. Bh  
Anuśāsana  
Parvan.
- Aprāika Commentator on Yājñavalkya-Smṛiti.  
Ed by Hari Nārāyaṇa Apte, 1903.
- A S. R By Cunningham,  
Archaeological  
Survey Report

Arrian	Author of Anabasis and Indika	See Megasthenes and II A
Asahāya	...	Commentator of Nāṭada Smṛiti
Aśvaghoṣa	...	Author of Vajrasūchī Ed. by Weber in Indische Studien A V Ed. by Whitney
Atharva veda		
Atthakathā	..	Commentary on the Tripiṭaka, by Buddhaghosa; extracts from, translated, in J A S B VII (1838.)
Avadāna Śataka	..	Ed. by Speyer, in two volumes Petrograd, 1902
Ayodhyā K		Rāmāyana
Ayodhyā Kānda		
Āchāṅgā Sutta- or Ājāranga Sutta	(a)	Ed. by Jacobi, 1882 (b) Ed. Asiatic Society of Bengal, when not otherwise specified
Āpastambīya Dharma-Sūtra, Āpastamba Dh. S	Ld.	Georg Buhler, Bombay Sanskrit Series no XLIV (with Haradatta's commentary)
Aśvalāyana Gṛhya- Sūtra	Ld.	Ānandāśrama Series, Poona
Āryadeva	...	Author of Chatusśatikā, fragments of, in J A S B 1911
Bālā. Bāla Kāṇḍā,		See Rāmāyana
Bālama Bhaṭṭi	..	'Commentary on Mātā-kharā,' Chow Khambhā Series.
Bāna	..	Author of Harsha charita

Baudhāyana Dh. S.	Ānandāśrama Ed. in the Smṛiti- Samuchchaya.
Baudhāyana Dharma- Sūtra	
Bhāṭṭadīpikā	... Commentary on the Pūṇva-Mīmāṃsā Darśana by Khandadeva, Ed. by Mahādeva Sastri and L. Srinivāsa- chārya, Mysore, 1911.
Bhāgavata Bhāgavata Purāṇa	Bengal Recension
Bhattojī Dīkshita	Author of Siddhānta Kaumudī.
Bloomfield	... Translator of the hymns of A. V. in S. B. E. Vol XLII.
Br. Ar. Up. Bṛihadāiānya- kopaṇishad	Nirnaya-Sāgara Edition.
Bṛihaspati	... Translated by Jolly in S B E. vol. XXXIII
Bṛihaspati Sūtra	. Ed by Dr F. W. Thomas (Le Muséon) pp 131—166)
Br S,—Bṛihat Samhitā	By Varāhamihira, ed. by Kern, Asiatic Society
Buddhische Kunst in Indien	By Grunwedel ,
Buddha	.. By Oldenberg
B. I.-Buddhist India	By Rhys Davids
C C I M. Catalogue of Coins in the Indian Museum	By Vincent A. Smith.

• ABBREVIATIONS

Chandēsvara	.	Author of R N R and V R.
Chānakya	..	Same as the author of AS, ('the son of Chanaka')
Chatuṣ-śatikā	...	By Āryadeva, Ed Haraprasāda Shāstri (ASB)
Chullavagga		Vinaya Texts, Vol II. Translation of, by Oldenberg and Rhys Davids, in SBE Vols, XVII and XX.
Childers	...	Author of the Pāli-English Dictionary
C A I Coins of Ancient India		By Cunningham, London, 1891.
Corpus Inscriptionum Indicarum III, C. I. I III.		By Fleet for the Corpus Inscriptionum.
Cunningham	.	Author of C A I. and A. S. R Report of the Archeological Survey of Western India, Indian Lias
Curtius		See I I A, Megasthenes
Chh Up, Chhāndogya Up Chhāndogya-Upanishad		Nirṇaya Sāgara Edition
Dandin	..	Author of the Daśakumāra Charita
Daśakumāracharita		By Dandin, Ed with various readings by Nārāyana Bāl Krishna Godbole, (eighth Ed) Bombay, 1917
Das Rāmāyana	...	By Dr. H. Jacob ..

Dāśabodha ..	By Rāmādāsa, Poona Ed
Dialogues of the Buddha	By Rhys Davids, Sacred Books of the Buddhists, Series, 2 Parts.
D N .— Digha Nikāya	Ed by the Pāli Text Society, (in three volumes)
Diodorus	See I I A, Megasthenes
Divyāvadāna	Ed by Cowell and Neil, Cambridge
Early History of India	By Vincent A Smith
Enc Brit Encyclopedia Britannica	Eleventh Ed
Ep Ind, EI, Epigraphia Indica,	Epigraphia Indica.
Epigraphia Zeylanica	Ed by Wickramasinghe (Archaeological Survey, Ceylon)
Epitome of Megasthenes	By Diodorus See Megasthenes
Fleet	. Author of Gupta Inscriptions
Gautama	Author of Gautama Dh Ś
Gautama Dh Ś Gautama Dhārma- Śāstra	Ed by Stenzler
Geschichte des Tāranātha	Trans by Scheffner
Grierson	Author of Linguistic Survey of India
Goptha Brahmana ..	Ed. Bibliotheca Indica

# ABBREVIATIONS

Govinda Das	...	On the Rājput practice.
G. P. Gupta Inscriptions,		Edited by Fleet
Govindrāja	...	Commentator on Rāmāyana.
G. R. M. Gana-Ratna- Mahodadhi		By Vardhamāna; Ed by Bhīmasena, Allahabad, 1898.
Grunwedel	...	Author of <i>Buddhische Kunst in Indien</i> , translated into English by Burgess.
Haisha charita	...	By Bāna
Haradatta	...	Commentator of Āpastamba Dh S
Herodotus	..	By Rawlinson
History of Antiquity		In four volumes by Prof. Max Duncker, translation of, by Abbot
* History of Mysore	...	By Wilks; 2nd. Ed. 1869
HIL History of Indian Literature		By Weber, translated by Zacharæ (Trubner)
History of Sankrit Literature, Sanskrit Literature.		By Macdonell, 1899.
Ind. Ant., I A Indian Antiquary,		
I C. —Indian Coins		By Prof Rapson
Indika	..	By Arrian

Indische Alterthums- .By Lassen.  
kunde, Ind. Alt.

Indo-Aryans ... By Rājendra Lal Mitra.

Indo-Aryan Races ... Ramāprasād Chanda.

J.—Jātakas ... Ed. by Fausbjoll, Kopenhagen, in  
six volumes.

Journal Asiatique ... ..

J. A S. B. Journal (Calcutta).  
of the Asiatic  
Society of Bengal,

J. B O R S , Patna, 1915 to 1924.

J B O R S. J. B O R S.

Journal of the Bihar  
and Orissa Research  
Society

J. R. A S London.  
Journal of the  
Royal Asiatic  
Society

Jaimini ... Author of the Nimāṃsā Darśanam.

Jolly, J. ... (a) Ed. A Ś. Punjab Sanskrit Series,  
no. 4, Vol 1. Lahore, 1923.  
(b) Ed. Nārada-Smṛiti. (Bib. Ind.)  
(c) Translation of (b) in  
S B E. Vol VII.

K.  
Kaṭṭilya Kaṭṭilya, author of the AŚ., full name—  
Viśṇugupta Kaṭṭilya.  
See AŚ.



Kalpa Sūtra	... See Translation of, by Jacoby, in SBT, Vol. XIII
K P	See M. Bh
Karma Parva	
Katha Upanishad	... Bom Ed
Kālidāsa	Author of Raghuvamśa, Śakuntalā and Mālavikāgnimitra
Kāmandaka	Author of KNS
Kāmandakiya, Kāmandakiya Nīti sāra, K N S	The Nītisāra of Kāmandaka with the commentary Jayamangala of Śankarācārya, ed by T Ganapati Śāstrī, Trivandrum, 1912 Trivandrum Sanskrit Series, no XIV
Kāma-Sūtra. Kāma S, K S	By Vātsyāyana Ed (a) Nirmayasāgara (b) Chaukhāmbā Sanskrit Series, Benares
Kāśikā	By Pandits Vāmana and Jayāditya, Ed by Bāla Śāstrī Benares, 1898
Kātyāyana	Quoted by Chandesvara, Mitra Mīśra and Nilakantha
Kātyāyana	Author of the Vārttikas.
Krishna Dvāpāyana	Quoted in Mitāksharā
Krishna Yajurveda	Mysore edition
Kāthaka Samhitā	Kāthaka Recension of TS
Kullaka	... Author of a commentary on Mānava dharmasūtra

L. V. Lalita vistara ...	Bib. Ind. Asiatic Society Ed.
Lassen ...	Author of Indische Alterthumskunde.
Lévi ...	Author of Le Nepal—in two volumes.
Life of Appollonius	By Philostratus.
Life of the Buddha...	By Rockhill (Trubner).
L S I.	By Grierson.
Linguistic Survey of India,	
M. and K. Macdonell and Keith	Authors of the Vedic Index.
Mahā-Bhāṣita —M. Bh.	Bengal Recension (when not specified otherwise), Kumbakonum (when so specified) Edited by T. R. Vyāsāchārya, 1908.
M.G. Mahā Govinda Sutta	See D. N. Vol. II.
Macdonell ...	Author of the History of the Sanskrit Literature and the joint author of V, I
M. P. S., Mahāparimbbāna Suttanta	See D. N Translation in SBE Vol. XI. and Dialogues of the Buddha, pt II
Mahāvagga ...	Ed. by Oldenberg, Translation of, by Rhys Davids and Oldenberg in S. B. E. Vols XIII. and XVII.
Mahā Bhāṣhya. Kielhorn.	By Patañjali, Ed by Kielhorn.

M N	Ed. by the Pāli Text Society.
Majjhima Nikāya,	
M V, Mahāvastu ...	Ed. by Sēnart in three volumes.
Mādhava	Author of Nyāyamālā.
Mārkaṇḍeya P.	Bengal Edition
Mārkaṇḍeya Purāṇa	
M. Manu	Ed. by (a) J Jolly (b) Ed. by
Dh Ś ; Mānava ;	Māndalik
Mānava, Dharmasāstra,	
Mahāvamśa ...	Ed. by Geiger
Mālavikāgnimitra .	By Kālidāsa
Maitrāyaṇi, M S.	Ed. by Schröder.
Maitrāyaṇī Samhitā,	
Mc Crindle	Author of I I A, Ptolemy, Ancient India as described in Classical Literature and Megasthenes.
Mitāksharā ...	By Vijñāneśvara
Megasthenes	Mc Crindle
Ancient India as described by Megasthenes	
Mihinda-Paṭṭha .	Translated by Rhys Davids in SBI Vols XXXV and XXXVI
Mitra-Misra	Author of the Commentary Vīramitrodaya, on Yājñavalkyaśmṛiti (unpublished) a manuscript of in the possession of Mr Govindadāsa of Benares, author of V M R S, V M.

Mimāṃsā Darśanam, P Mimāṃsā	By Jaimini with the Commentary of Sabarasvāmī (Bib Ind)
Mricchhakatika	By Śudraka Ed by Kāśinātha Pānd urang Parab, with the commentary of Prithvidhara Bombay, 1900
Modern Review	Monthly, Calcutta
Monier Williams	Author of the 'Sanskrit English Dictionary
Moribus et Populis Germaniae	By Tacitus
Mudrā Rāshasa	by Viśākha datta Ed by K T Telang, Bombay
Nāgeśa	Author of the Pradīpodyota on Mahā Bhāṣhya By Nāgeśa (Asiatic Society) Calcutta
Narada	Translated by Jolly in S B L vol XXI II Quotations in Digest
Nāmalīnganusāśana	Amarakośha
Nārada Smṛiti (text)	Ed by Jolly with passages from the commentary of Asahāya (Asiatic Society) Calcutta
Nepal	By Levi
Nirukta	.. By Yaska

# ABBREVIATIONS

Nīlakaṇṭha	...	Author of the Vyavahāra-Mayūkha Ed. by Mandlik with English Translation, 1880.
Nītivākyaṁṛita	...	By Somadeva (a) Ed. by Gopālanārāyaṇajanata, Bombay. (b) Ed. by Nāthurāma Premī, Bombay, 1923.
Nyāyamālā	...	By Mādhavāchārya. Ed. Ānandāsīama Series.
Oldenberg	...	Author of Buddha. Translated into English by William Hoey.
Oldenberg	...	Editor of Vin.
Pañcha Tantra	...	Calcutta Ed.
Patañjali	...	Author of the Mahā-Bhāshya.
Pargiter	...	Author of the Purāna Text, and articles in JRAS
P. E. Dictionary, Pāli-English Dictionary		Childers.
Pāṇini	...	Author of Sanskrit Grammar.
Pāraskara Gṛhya- Sūtra.		Hathwa ed. with the commentaries of Karka, Jayarāma, etc, Lazarus, Benares
Pradīpaddyota	...	See Nāgeśa.
Philostratus	...	Author of Life of Appollonius.

- Proc. A. S. B .....  
 Procedure of Asiatic  
 Society of Bengal.
- Praśna-Vyākaraṇa- Quoted by Shamashastry in A Ś.  
 Sūtra-Vyākhyāna. p. 46 F. N.
- Pratāp Chandra Ray Translator of M. Bh
- Priyadarśi- By Rāmāvatāra Śarmā, Patna, 1915.  
 Praśastayah
- P. T.—Purāṇa Texts By Pargiter, Oxford, 1913.  
 of the Dynasties  
 of the Kali Age.  
 or  
 Purāṇa Texts  
 or  
 Pargiter's Texts,
- Raghu-Vamśa . . By Kālidāsa
- Ravade ... Author of Rise of the Maratha Power.
- R N. R N R , By Chaṇḍeśvara, Ed. by K. P.  
 Ratnākara Jayaswal, Bihar and Orissa  
 Rāja-Nīti Ratnā- Research Society, 1924.  
 kara,
- Rapson ... Author of I. C Ed. Grundriss Sans,  
 Rāja-Nīti- By Nīlakaṇṭha, Kāśī-Saṃskṛita-  
 Mayūkhya Yantrālaya, 1880.
- R. Mitra. Author of Indo-Aryans.  
 Rajendra Lal  
 Mitra,

# ABBREVIATIONS

Rāma	...	Commentator on Rāmāyaṇa.
Rāmāyaṇa	...	The Rāmāyaṇa of Vālmīki with the commentary (Tilaka) of Rāma, ed. (a) by Kāśīnāth Pāṇḍurang Parab Bombay ; 1888 (b) by Messrs Kṛishnāchārya and Vyāsāchārya
Rāmadāsa	...	Author of Dāsabodha.
Report of the Archaeological Survey of India,	...	Cunningham and others.
Rhys Davids	...	Author of B. I. and Dialogues of the Buddha
Rise of the Maratha Power.	By	Ranade
Rock Series and Pro- clamations.	See	Ep. Ind. Vol II.
Rockhill	...	Author of the Life of Buddha.
Romantic Legend of Śākya Buddha.	By	Beal (Trubner.)
Roth	...	Joint Author of St Petersburg Dictionary
R. V. :—Rig-veda	...	Ed. by Max Müller (with the commentary of Sāyana).
Śakuntalā	...	By Kālidāsa.
Śaṅkarārya	...	The commentator on KNS.

Śat. Br., Śatapatha, Śatapatha Br. Śatapatha Brāhmaṇa,	Asiatic Society ed., the Translation of in S B E Series.
Śabara	... Commentator on Jaimini. See Mīmāṃsā Darśanam.
Ś, Śānti. Śānti P., Ś P., Śāntiparvan	See M. Bh.
S N S. Sūkra-Nīti-Sāra,	Ed. by Jivānanda Vidyāsāgara Bhaṭṭācāryya, 1890
Strabo	... See Ancient India as described in Classical Literature, Megasthenes.
Sabhāparvan, S P.	See M. Bh.
Sāmaññaphala Sutta	See Dīgha Nikāya Vol 1.
S B E Sacred Books of the East	Ed. Max Muller, Clarendon Press, Oxford.
Saint Petersburg Dictionary, St. Petersberg Dictionary.	By Roth and Bohtlingk.
Sanskrit Grammar of Pāṇini, Pāṇini, P.	Ashtādhyāyī By Pāṇini.
Siddhānta Kaumudī	By Bhaṭṭoji Dīkshita.



# ABBREVIATION

Tacitus	... Author of <i>Moribus et Populis Germaniae</i>
Tagore Lectures	.. By K. P. Jayaswal.
Taitt. Br., T. Brāhmaṇa, Taittirīya Br. Taittirīya- Brāhmaṇa,	Mysore ed with the Commentary of Bhaṭṭa Bhāṣkara
T. S. Taittirīya Samhita	Mysore ed. with the commentary of Bhaṭṭa Bhāṣkara Miśra.
Ud. P. Udyoga Parvan	See M Bh.
Vajrasūchi	... By Aśvaghoṣa.
Vāmadeva	... Quoted in M. Bh.
V. Mihira. Varāhamihira,	Author of Br. S.
Vardhamāna	... Author of <i>Gaṇa Ratna-Mahodadhī</i> ; Ed. by Bhīmasena, Allahabad, 1898
Vasishth Dh. Ś, Dharm-Śāstra.	Ed by Fuehrer.
Vājasaneyi-Samhitā...	Ed Bombay.
Vārttikas	.. On Pāṇini, by Kātyāyana
V. :—Vātsyāyana	Author of Kāma S.
Vāyu P. Vāyu Purāṇa, P.T.	Bengal Recension : See Pargiter's Text

V. I	By Arthur Anthony Macdonell and Arthur Berriedale Keith, London, 1912.
Vedic Index	
Vijñāneśvara	... Author of <i>Mitāksharā</i> , Bombay Ed.
Vinaya, Vin.	Ed. by Oldenberg.
Vinaya Texts	
V. Smith,	Author of C. E. I. M. and Early History
Vincent A Smith.	of India.
Vishnu Purāna,	Bengal Edition.
Vishnu P.	
Vishnu Purāna	... Translation of, by Wilson and Hall.
V. M	By Mitra Miśra, Ed. by Jivānanda
Vira-Mitrodaya,	Vidyāsāgara Bhaṭṭachāryya, 1875.
VMRN.	By Mitra Miśra, Ed. Chaukhambā
Vira-Mitrodaya,	Sanskrit Series, 1916.
Vyavahāra-	By Nīlakantha Ed. by Mandali
Mayūkha	
Vyāsa	.. Quoted by Aparāika
Walsh	. On Kongdu administration in I A 1906
Weber	. Author of H. I. L.
White Yajur Veda,	Mādhyandina Śākhā, Nirṇaya Sāgara ed
W. Yajur Veda	
White yajurveda,	

# ABBREVIATIONS

Yājñavalkya.	(a) See Aparārka	(b) Ed. by Mandalik
Yājñavalkya	together with	English translation
Śaṛīti,	(c) Ed. by Wāsudev	Laxman
	Shāstri Pansīkar	with the com-
	mentary Mitāksharā	of Vijñāneśvara
	(2nd). Bombay	1918
Yāska	...	Author of Nirukta.
Yuddha K, .	See	Rāmāyana.
Yuddha,		
Yuddha Kāṇḍa,		
Zimmer	...	Author of Altindisches Leben.

# ERRATA

## PART I

Page	Line	Read	for
xxxii	15—20	213, 214	211, 212
18	32	24	28
19	3	"Criminal"	"Crimnal"
20	31	II	17
25	13	Similarly	similary
26	21	further	futher
27	34	p. 307	p. 807
30	2	people	pepople
31	29	<i>Mayūkha</i>	<i>Muyūkha</i>
32	28	IV. 2. 47	IV. 2J7
33	22	be	to
—	25	I. p. 256	p 256
35	26	कस्मि°	कस्म°
40	33	Hoernle	Hoerlne
41	24	वचन	वचन
—	29	Kāśikā	Kāśka
59	12	eleventh century	eleven centuries
62	32	काम्बोजी°	काम्बोजी°
71	35	°रम्भः	°रम्भः
83	12	theirs	then
95	13	§ 98. According	According
104	18	§ 104 (a)	§ 104
111	32-35	IV. 4.,	4. IV,
		IV 5.	5. IV *
115	28	humorous	humourous
124	30	धर्म	धम
132	11	§ 126 (a)	§ 126

Page	Line	Read	for
146	1	§ 135 (a)	§ 135
—	33	Pliny	Pling
150	32	vol. I. p. 165, p. 181	vol I. p. 181
175	33	(Kumb.)	(Kumil)
176.	4	§ 180. It	It
197	12	ग्रामादृष्ट°	ग्रामाट्गा°
—	13	ब्राह्मणा	ब्राह्मण
199	13	Brāhma-gupta	Brāhma gupta°
200	26	Piṭi°	ti°
203	3	Artha Śāstra	Arthasātra
204	5	Daṇḍin	Dāṇḍin
—	15	9	92
205	2	Rādha°	Rādha°
209	13	There	Their
211	39	Tikā	Tikā
212	21	with	hwit
214	24	Pāta°	Pāta°
215	14	°Patī	°Patī
216	12	°Padeśa	°Podeśa
—	25	Spon°	°Spen

PART II

11	16	Viśes	Viśas
36	30	°neyī	°neyi
47	10	°rajas	°rājas
47	33	°ying	°yi
55	head- ing	Divine Origin of king	Coronation in Later Times
57	34	°धृते	°द्धृते
60	21	26-35	16-26
61	25	II	I-2°
—	26	—	—
62	28	°न	न

# ERRATA

Page	Line	Read	for
—	34	451	438
63	28	त	तं
—	29	र्थः	र्थ
64	15	बु°	बु°
—	23	ज्ये°	ज्ये°
65	27	424	425
66	22	वा°	वा°
68	30	°451	°52
69	24	12	11
70	25	Act I	Act II
72	10	§ 255. The Non°	The Non
107	19	§ 286	§ 287
114	19	of her	her
197	9	Sām°	Sām°
198	31	°Sāstra	°āstra
200	1	Ādhi°	Adhi°